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ABSTRACT

Written for persons who serve as members of Committees on Special Education (CSE) in New York State, this guide reviews Committee responsibilities and various Committee management techniques. An introductory chapter outlines the impact of Federal, state, and local requirements and policies. The guide follows the sequence of Part 200 of the Regulations of the Commissioner of Education, which is the primary source for information on CSE responsibilities, required procedures, and due process. The chapters cover: (1) special education; (2) terminology; (3) Board of Education responsibilities; (4) membership of the CSE; (5) procedures for referral, evaluation, recommendation, implementation, planning conferences, annual reviews, and triennial evaluations; (6) due process; (7) the continuum of services; (8) sections of Part 200 that are further removed from CSE procedures, involving student identification, placement, evaluation, State assistance for special education and related services, coordination of delivery systems, and child abuse prevention; and (9) other considerations such as screening, diploma requirements, aging out, etc. Each chapter concludes with management strategies useful to the CSE in carrying out the responsibilities outlined in that chapter. (JDD)

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# GUIDEBOOK FOR COMMITTEES ON SPECIAL EDUCATION IN NEW YORK STATE

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THE UNIVERSITY OF THE STATE OF NEW YORK • THE STATE EDUCATION DEPARTMENT
OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS
ALBANY, NEW YORK 12234

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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

ASSISTANT COMMISSIONER FOR ESC EDUCATION PLANNING AND SUPPORT SERVICES
DIVISION OF PHYSICAL EDUCATION, FITNESS, HEALTH, NUTRITION AND SAFETY EDUCATION

December 1987

TO: School Board Presidents
District Superintendents
Superintendents of Public and Nonpublic Schools
New York City Superintendents
Principals of Public and Nonpublic Schools
Committee on Special Education Chairpersons
Directors of Pupil Personnel Services
Directors of Special Education
Commissioner's Advisory Panel

FROM: Lawrence C. Gloeckler

SUBJECT: A Guidebook for Committees on Special Education in New York State

Recent legislative initiatives in New York State have affected the provision of special education and the activities of the multidisciplinary teams that coordinate special education programs and services for students with handicapping conditions. Some of those legislative changes, highlighted below, have necessitated a revision to both the title and content of this Guidebook.

- Committee on Special Education — The Committee on the Handicapped (COH) has been renamed the Committee on Special Education (CSE).
- Pupils with Handicapping Conditions — References to "handicapped" students, pupils, children, etc., have been changed to those "with handicapping conditions."
- Individualized Education Program (IEP) Diplomas — Students with handicapping conditions may receive diplomas based on the successful completion of current IEPs.
- Services Provided in Regular Education — School districts may receive State aid for programs that provide support for children within regular education. The new programs include Speech and Language Improvement, Educationally Related Support Services and Declassification Support Services.
- 12-month Programming — CSEs may recommend 12-month educational programs for students with severe handicapping conditions who require a structured learning environment throughout the year to meet their unique individual needs.

The original format of this Guidebook has not been revised, however, and Committees will be able to use the Guidebook as a source of information on law, regulation and policy as well as a resource of suggestions and strategies for the management of CSE operations.

Additional copies are available from:

New York State Education Department
Office for Education of Children with Handicapping Conditions
Division of Program Development
Room 1071 — Education Building
Albany, New York 12234
Attn: A Guidebook for Committees on Special Education

# A GUIDEBOOK FOR COMMITTEES ON SPECIAL EDUCATION IN NEW YORK STATE

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
The Office for Education of Children with Handicapping Conditions
Division of Program Development
Albany, New York 12234

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# Purpose

This document is written for persons who serve as members of Committees on Special Education (CSE) in New York State. For newly appointed members, it provides knowledge of basic concepts and requirements regarding Committee responsibilities. For experienced members, it provides an information update and an overview of various CSE management techniques.

Information is presented according to the content and sequence of Part 200 of the Regulations of the Commissioner of Education to emphasize their relationship to Committee responsibilities and local school district planning. Each section describes content in law and regulations followed by strategies for managing implementation.

Answers to the following questions are included:

- How do State laws and regulations affect Committees on Special Education?
- How does the CSE provide quality education to students who are identified as having or thought to have educationally handicapping conditions?
- What strategies are helpful to CSE members for managing their responsibilities?

In addition to this document, CSEs may consult the following resources for additional or in-depth descriptions of New York's laws, rules and policies regarding special education. Such information will be helpful as background research, as a check for current requirements or in planning and updating district special education programs.

McKinney's Consolidated Laws of New York, Book 16, Education Law:

Article 19 — Medical and Health Service
Article 65 — Compulsory Education Sections 3201, 3202, 3204, 3205, 3208
Article 73 — Apportionment of Public Monies Sections 3602.19; 3602-c
Article 81 — Education of Children Residing in Child Care Institutions
Article 85 — Instruction of the Deaf and of the Blind
Article 87 — New York State School for the Blind
Article 88 — New York State School for the Deaf
Article 89 — Children with Handicapping Conditions

Official Compilation of Codes, Rules and Regulations of the State of New York, Title 8A, Education:

Part 6 — New York State School for the Blind
Part 80 — Teachers' Certificates
Part 100 — Elementary and Secondary Education School Program
Part 101 — Exemptions from Attendance
Part 102 — Elementary and Secondary School Examinations
Part 115 — School District and Board of Cooperative Education Services (BOCES) Plans
Part 116 — Educational Programs and Services for Children in Full- Time Residential Care in Homes or Facilities Operated or Supervised by a State Department or Agency or Political Subdivision
Part 117 — Diagnostic Screening of Pupils
Part 118 — Instructional Programs for Students Incarcerated in Correctional Facilities Maintained by Counties or the City of New York
Part 135 — Health, Physical Education and Recreation
Part 136 — Health Service
Part 141 — Occupational Education
Part 149 — Instructional Programs for Pupils with Special Educational Needs
Part 154 — Apportionment for Pupils with Limited English Proficiency
Part 200 — Children with Handicapping Conditions
Part 203 — Children Who Fail or Underachieve
Part 246 — Office of Vocational Rehabilitation
Part 247 — Client Services
Part 248 — Service Centers for Independent Living

- *A Parent's Guide to Special Education: Your Child's Educational Rights in New York State* (New York State Education Department)
- *Technical Assistance Materials for Administrators and Committees on Special Education* (New York State Education Department)

# Introduction

Understanding Federal, State and local perspectives is important for managing the provision of educational programs and services for children with handicapping conditions. This understanding is especially helpful to members of Committees on Special Education (CSE) in fulfilling their roles. Thus, before describing CSE responsibilities, the following pages introduce major concepts that are common to all levels of our public education system in the area of special education.

## Federal Perspectives

Federal laws and regulations governing programs and services for students with handicapping conditions form the basis for State and local service provision. They include educational rights mandated through Public Law 94-142, through Section 504 of the Vocational Rehabilitation Act, through the Carl D. Perkins Vocational Education Act of 1984 (P.L. 98-524) and through subsequent Federal regulations and additions to law. In this manner, the Federal government sets standards that states and local districts are required to implement. Key Federal requirements are described below and will be mentioned throughout this guide.

### The Least Restrictive Environment

The concept of the least restrictive environment (LRE) is stated in Federal law and implemented through efforts of states and local school districts. LRE assures the opportunity for each student with an educationally handicapping condition to receive programs and services which consider individual progress, peer acceptance and family support. A program recommendation for special education appropriately reflects the least restrictive environment if it:

- provides the special education that is needed for an individual student;
- provides, to the maximum extent appropriate, education with peers who do not have handicapping conditions; and
- considers the proximity of the educational program to the student's home.

### Free Appropriate Public Education

In the past, students with handicapping conditions were not always provided an appropriate education and were often unserved by the public school system. Parents, in some cases, had to seek out placements that were costly and isolated. Students with handicapping conditions are entitled by law to an education that is provided free through the public school system. The education must also be appropriate; that is, it must address the student's individual needs. Committees on Special Education in New York State are responsible for recommending appropriate education at public expense for students who are identified as having a handicapping condition.

### Individualized Education Program

Federal law requires that an Individualized Education Program (IEP) be designed for each child with a handicapping condition. In New York State, the IEP is written in two phases or parts and serves several functions. It allows CSEs to communicate the individual needs and program requirements of each student to special and regular education staff, to parents, to administrators and to the board of education. It helps CSEs to organize and manage the educational program of each student with a handicapping condition. Involvement of the student's parents and others familiar with the student is encouraged. Most importantly, it provides a format for reviewing individual student needs. It helps to determine the effectiveness and appropriateness of programs as the student grows, changes and develops in school.

### Due Process

Federal laws protect the educational rights of students with handicapping conditions. These rights are exercised through due process of law which helps to balance decision making among various adults. The result is a legal responsibility for parents and educators to work cooperatively and to resolve disagreements to the benefit of the student. Due process in special education involves:

- participation by parents and educators;
- shared knowledge about the student's school program;
- the opportunity to question or challenge proposed actions; and
- the opportunity for appealing decisions that are thought to interfere with the student's progress in school.

### Multidisciplinary Teams

Federal regulations require that multidisciplinary teams conduct evaluations of students with handicapping conditions. The purpose of multidisciplinary teams is to ensure that student needs are examined from a comprehensive set of viewpoints. In New York State, such teams also coordinate the development of IEPs for those students. Federal regulations state that participants at meetings for this purpose must include:

- a representative of the public agency (other than the child's teacher) who is qualified to provide or supervise the provision of special education;

- the child's teacher;
- one or both of the child's parents;
- the child, where appropriate;
- other individuals at the discretion of the parent or agency; and
- a member of the evaluation team or a representative of the public agency, the child's teacher or some other person knowledgeable about the evaluation procedure for a student who is being evaluated for the first time.

The multidisciplinary approach allows for a comprehensive and thorough approach to the procedures and decisions that must be accomplished for each child known or thought to have an educationally handicapping condition. This required approach results in a comprehensive set of viewpoints in the examination of each student's needs.

### Accessibility

The Federal concept of accessibility, set forth in Section 504 of the Vocational Rehabilitation Act, pertains to adults and children who have handicapping conditions. School districts must provide equal access to appropriate facilities and programs for students with handicapping conditions. Committees on Special Education must adhere to this concept when recommending and reviewing programs. Access to appropriate programs and facilities can not be denied to students with handicapping conditions.

## State Perspectives

State laws and regulations for special education implement Federal mandates and provide quality education. Article 89 of the Education Law and Part 200 of the Regulations of the Commissioner of Education specify New York State's requirements for serving children with handicapping conditions. These legal documents contain Federal requirements such as the IEP, due process, and the least restrictive environment.

New York State's commitment to quality education for students with handicapping conditions is further described in *New York State's Plan for Educating Children with Handicapping Conditions* which establishes goals and describes the framework for providing this education. New York State has established:

- a full continuum of special education services;
- comprehensive monitoring of educational programs to ensure compliance with Federal and State law, regulation and policy;
- training for State, regional and local policymakers, administrators, parents and instructional personnel involved in educational services;
- technical assistance to those involved with special education; and
- statewide dissemination of special education information to provide quality educational programs.

In addition, statewide initiatives on behalf of all students affect school programs for students with educationally handicapping conditions. The following areas are additional considerations for CSE decision making:

- changes in high school graduation requirements including units and courses of study and required minimum competencies
- opportunities to award high school IEP diplomas to students with handicapping conditions who may not achieve a local or Regents diploma;
- the instructional needs of students whose primary language is not English;
- involvement of other agencies in the care and custody of children and youth attending public schools;
- training and skill development in occupational areas; and
- emphasis on computer technology for purposes of management and instruction.

These considerations reflect State goals for quality education and service provision. The relationship between New York State policy and procedures and CSE responsibilities is developed in the following sections.

## Local Perspectives

Federal and State directives outline concepts and provide required procedures for special education. They describe minimum requirements for school districts. Local Board of Education policy and CSE management, however, carry out and add to minimum requirements. Boards of Education and Committees on Special Education are instrumental in assuring that teachers and administrators provide appropriate instruction for students with handicapping conditions. At times, there may be additional requirements as the result of Board policy or judicial decrees and decisions. Familiarity with local requirements and their relationship to Federal and State requirements is helpful to CSE management.

# The CSE and Special Education

By definition, special education is specially designed individualized or group instruction or special services or programs, provided at no cost to the parent, to meet the individual needs of pupils with handicapping conditions. Special education is an integral component of the public school system. While meeting the needs of students with different levels of development and unique educational needs, specialized instruction and special programs and services are not isolated from, but rather, are a part of regular education. Students with handicapping conditions, like other students, have access to all district progams, including extracurricular activities. Students with handicapping conditions participate in regular education classes, in their neighborhood schools, whenever possible and appropriate. Most students in special education programs are capable of earning a local or Regents high school diploma. The coordination of regular and specialized instruction demonstrates district responsibility to provide educational programs and services in the least restrictive environment.

Part 200 of the Regulations of the Commissioner of Education is the primary source for information on CSE responsibilities, required procedures and due process. These regulations describe district obligations for students with handicapping conditions. Sections of Part 200 are titled and sequenced in the following order:

**200.1** Definitions

**200.2** Board of Education responsibilities

**200.3** Committees on special education

**200.4** Procedures for referrals, individualized education program development, placement and review

**200.5** Procedural due process

**200.6** Continuum of services

**200.7** Private schools and State-operated or State-supported schools

**200.8** State assistance for instruction of pupils with handicapping conditions pursuant to Section 4406 of the Education Law

**200.9** State reimbursement of private schools and special act school districts educating children with handicapping conditions pursuant to Article 89 of the Education Law

**200.10** Reimbursement to certain State-operated and State-supported schools for blind, deaf and severely handicapped children pursuant to Articles 85, 87 and 88 of the Education Law and Chapter 1060 of the Laws of 1974 and to facilities approved pursuant to Section 4202-a of the Education Law

**200.11** Admission to public schools of children residing in facilities of OMH and OMRDD or child care institutions

**200.12** State assistance for the transportation of pupils with handicapping conditions pursuant to Education Law Section 4405

**200.13** Educational programs for autistic pupils

**200.14** Day treatment programs certified by the Office of Mental Health

**200.15** Procedures for prevention of abuse, maltreatment or neglect of children in residential placements

In New York State, Committees on Special Education are central to the provision of special education. Knowledge of State regulations is essential to fulfilling numerous roles of the CSE. Members of CSEs carry out regulatory responsibilities by serving as:

| *Role* | *Description* |
|---|---|
| **Team Members** | To work cooperatively and to coordinate activities, tasks and decision making; to contribute and accept or challenge the contributions of other members of the team. |
| **Specialists** | To contribute unique skills and perspectives to group discussion and rationale for group decision making. |
| **Leaders** | To carefully protect the interests of the individual child; to attend to needs of the individual with sensitivity and professionalism. |
| **Problem Solvers** | To suggest solutions which assist families, individual students and classroom teachers; to contribute to the management of tasks and daily procedures related to special education. |
| **Decision Makers** | To determine eligibility for and appropriateness of programs and services in special education. |
| **Program Analyzers** | To review the adequacy of district special education programs; to provide the district with projected needs, budget estimates, program descriptions and student data. |
| **Short-Term Planners** | To conduct evaluations and make recommendations within a specific time frame; to carefully develop and share recommendations which affect the immediate future of students with handicapping conditions. |
| **Long-Term Planners** | To plan ahead for student opportunities leading to diplomas, vocational training, work-study, alternative programs or adult services; to guide student achievement of long-term goals. |

**Resource Persons** To assist school staff, parents, students and community; to act as a resource person on special education, and on community agencies and support groups involved in special education.

The combination of these roles requires CSE members to exercise a great deal of flexibility in attending to their responsibilities. Deliberations, analysis and decision making should be student-oriented and well planned. Seven steps in the special education process help to structure many CSE deliberations pertaining to individual students. These seven steps are included in Section 200.4 and comprise the majority of CSE activities. The process occurs as follows:

- A student thought to have educationally handicapping conditions is REFERRED to the Committee on Special Education (CSE).
- The CSE, a multidisciplinary team, EVALUATES the student's strengths and deficiencies.
- The CSE RECOMMENDS an appropriate Individualized Education Program (IEP) based on evaluation results.
- The program is IMPLEMENTED upon Board of Education and parental approval.
- Instruction begins; student objectives are discussed and developed at a PLANNING CONFERENCE with the parent.
- The IEP is modified or adjusted by the CSE at an ANNUAL REVIEW.
- The student is given a TRIENNIAL EVALUATION to determine continued eligibility for special education and to assure that the IEP is an appropriate educational plan.

In order to appropriately fulfill these responsibilities, the combined sections of Part 200 of the Regulations should be familiar points of reference for CSE members.

# The CSE and Special Education Terminology

**Legal Reference: Section 200.1 of Commissioner's Regulations**

Part 200 contains definitions related to special education. They are described in the first section to provide organization and to establish consistency with Federal laws. CSE members are responsible for knowing and understanding the terms and concepts contained in law or regulation.

Exact definitions of the terms listed below can be found in Section 200.1 of Part 200 of the Regulations. Brief commentary on the terms marked with an asterisk(*) is provided below to clarify issues that are frequently raised from the field.

**List of Definitions**

*Adaptive Behavior
*Adaptive Physical Education
Annual Review
Approved Private School
*Change in Placement
*Change in Program
Class Size
Committee on Special Education
*Consent
Days
Fiscal Year
Full-Day
Half-Day
Home/Hospital Instruction
Impartial Hearing Officer
Individualized Education
Independent Evaluation
Individual Evaluation
Individual Psychiatric Evaluation
Least Restrictive Environment
Medical Services
*Notice
Occupational Therapy
Professional
Parent
Period
Preschool Program
Physical Therapy
*Pupil with Handicapping Conditions (Classifications)
Related Services
*Resource Room
Social History
*Special Class
*Special Education
Special Education Program
Surrogate Parent
Transitional Support
12-Month Educational Program

*** Commentary:**

Adaptive Behavior— the effectiveness with which an individual copes with the natural and social demands of his/her environment; a key factor in determining a classification of mentally retarded; this area must be addressed in the evaluation process for students thought to have a handicapping condition because of mental retardation.

Adaptive Physical Education— not considered a related service; must be provided to students who are unable to participate in activities of the regular physical education program; also refer to Part 135 of the Regulations of the Commissioner.

Change in Placement— a placement is the setting and/or provider of the program such as BOCES, public school, approved private school, etc.

Change in Program— a program describes types of instruction and services and specially designed provisions for special class, resource room, related services and regular education.

| | |
|---|---|
| Classifications— | describe the 11 handicapping conditions recognized in New York State; substitute terms or combinations of classifications are not allowable; understanding classifications helps to determine eligibility; if a suspected disability does not adversely affect school progress, classification as having a handicapping condition is not appropriate. |
| Consent— | written parental consent is necessary before students can be evaluated by the CSE for the first time; for initial placement in special education; and for initial placement in a 12-month program. |
| Notice— | written notice to parents is required prior to any proposed action; notice must be understandable and descriptive of the proposed action; the purpose of notice is to inform parents and provide the opportunity to participate, to comment or, if they choose, to disagree. |
| Related Services— | include, where appropriate, speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, parent counseling and training, school health services, school social work, medical services as defined by the Regulations of the Commissioner, other appropriate developmental or corrective support services, and appropriate access to recreation, as such terms are defined by Regulations of the Commissioner and approved by the director of the budget. |
| Resource Room— | a type of program which provides supplementary instruction to students; it must not supplant instruction in required subject areas and it cannot be used as coursework for diploma credit; there is a class size limit of five students per period per teacher. |
| Special Class— | a type of program which provides specially designed primary instruction to students in various subject areas as indicated on the IEP; special class instruction must be provided daily but the number of hours per day may differ according to a student's needs; several class sizes are possible but a maximum of 12 students per period must not be exceeded. |
| Special Education— | provides individual and group instruction according to four areas of student needs — academic achievement and learning characteristics, social development, physical development and management needs; considers similarity of needs of students who are grouped together for special education. |

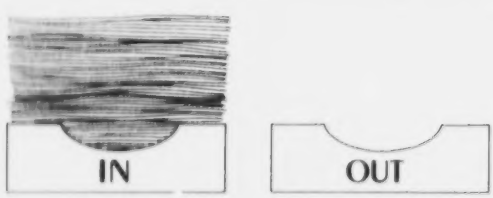
Special education definitions and terminology should be used by CSE members with care and sensitivity to lessen misunderstanding or confusion. Part 100 of the Regulations of the Commissioner of Education should also be referenced for an understanding of other elementary and secondary school areas. Regular education intervention services, such as Speech and Language Improvement or Educationally Related Support Services, for example, can provide support to students outside of special education. Good background knowledge helps communication with parents, educators and fellow CSE members.

## CSE MANAGEMENT STRATEGIES RE: TERMINOLOGY

**Several strategies are possible for remaining current and informed. Interpreting definitions and terminology contained in Federal, State, and local documents or in commercial materials and publications may be helped by:**

**Strategy 1... Maintaining an information file which includes:**

- **Article 89 of Education Law**
- **Part 200 of the Regulations of the Commissioner of Education**
- **New or frequently referenced Chapters of Law**




- **P.L. 94-142, P.L. 98-199 and Federal Regulations, Part 300**
- **P.L. 99-372, The Handicapped Children's Protection Act**

- P.L. 99-457, the Education of the Handicapped Amendments of 1986
- State Education Department (SED) publications pertaining to special education and regular education requirements, including:
  - *Newsbriefs*
  - *School Executive's Bulletin*
- State and local policy memos
- Federal, State and local newsletters related to education, and policy administration

Strategy 2... Systematic routing or centralized filing of current policies and publications for access by CSE members.

Strategy 3... Using SED resources for training, information dissemination and technical assistance. This can be provided through the Office for Education of Children with Handicapping Conditions (OECHC), Special Education Training and Resource Centers (SETRC) and Early Childhood Direction Centers (ECDC). Information in areas not exclusively related to special education can be obtained through SED offices for general and occupational education.

Strategy 4... Holding periodic CSE meetings to clarify conflicting interpretations of terminology or definitions.

Strategy 5... Reviewing district policy and procedures to correct inconsistent or inaccurate use of terminology on school forms and publications.

Strategy 6... Making a concerted effort to decrease the use of jargon in situations or correspondence where clear, concise, understandable language is more effective.

# The CSE and Board of Education Responsibilities

**Legal Reference: Section 200.2 of the Commissioner's Regulations**

The Board of Education (BOE) is responsible for implementing educational programs for students who reside in the district. The Board's responsibility for special education is to assure that all children with handicapping conditions are identified and that school-eligible children are provided with programs and services according to their needs. To carry this out, the Board of Education must:

- conduct a census to locate and identify children with handicapping conditions residing in the district; this includes collecting specific data, maintaining a register of pupils with handicapping conditions eligible to attend or already attending school; reporting and filing data collection;
- adopt written policy that establishes practices and procedures to ensure that students with handicapping conditions have access to all school programs; to appoint and train appropriately qualified special education personnel including the CSE members and chairperson; and to implement the provisions of a full continuum of services for students with handicapping conditions;
- prepare a comprehensive district plan every two years (the change in the district plan requirement, from three to two years, will take effect at the start of the 1988-89 school year) to include current information describing special education programs and services, numbers, ages and recommended settings of students by handicapping condition, assurance of appropriate space allocated in districts and available in BOCES for special education programs, evaluation of special education programs and services, and estimated budgets;
- determine appropriate programs and services recommended for students evaluated and reviewed by the CSE; and
- maintain a list of persons qualified to be surrogate parents and a list of persons qualified to be impartial hearing officers.

Boards of Education across the State carry out these responsibilities in a variety of ways. The level of their involvement affects the number and type of activities undertaken by the CSE. The following types of activities may be completed on behalf of a BOE by the CSE.

| ***BOE Responsibility*** | ***CSE Interaction*** |
|---|---|
| Census and Register | The CSE may receive district census reports and be given the task of maintaining and updating the yearly register of pupils with handicapping conditions. Census data must be collected by October 1 of each year. |
| Written Policy | The CSE may be asked for suggestions and procedures in areas which involve special education policy (IEP diplomas, conduct and discipline policy, etc.). The CSE may also be instrumental in implementing and reviewing BOE policy on special education.<br><br>The CSE should be aware that the BOE is also responsible for maintaining policies and procedures regarding the issuing of local certificates and high school individualized education program diplomas to students with handicapping conditions. The requirements of these policy areas are described in sections 100.6 and 100.9 of the Regulations of the Commissioner of Education.<br><br>CSE members may be participants in training sessions related to CSE responsibilities. They may also be involved as consultants or contact people to assist others in understanding Board policy and procedures in special education.<br><br>The BOE establishes local policy related to length of term, qualifications, guidelines for CSE activities and membership beyond mandated members. The CSE may be involved in developing and revising guidelines related to district CSE duties. |
| District Plan | The CSE may be asked to prepare and provide data that is necessary to complete district plans. This might include developing a thorough and current description of programs, classes, including availability of classroom space, and services. CSEs may be asked to work with BOCES to assure the availability of classroom space in those placements. It may also require development of effective measures for evaluating special education in the district. |
| Determination of Programs & Services for Individual Students | The CSE makes recommendations directly to the BOE regarding special education programs and services for individual students. The BOE has responsibility to approve, dis- |

| *BOE Responsibility* | *CSE Interaction* |
|---|---|
| | approve or modify CSE recommendations. The CSE may be asked to ensure that parents are notified of Board decisions related to CSE recommendations. |
| Lists of Surrogate Parents and Impartial Hearing Officers | The CSE may be asked to maintain lists of qualified individuals or may be asked to contact persons in situations which require such assistance. |

In New York State, Committees on Special Education and Boards of Education work closely to implement procedures which ensure the rights of students with handicapping conditions. This system requires that the CSE recommend and the BOE review such recommendations. Their combined efforts allow for the appropriate provision of special education for children who need such programs and services.

## CSE MANAGEMENT STRATEGIES RE: BOARD OF EDUCATION RESPONSIBILITIES

### Census and Data Collection:

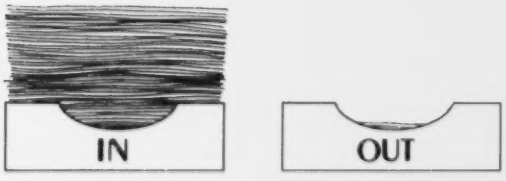
If CSE members are assigned responsibilities in this area, there are several activities that may be helpful:

- meet with census-takers to clarify and answer questions, review forms, provide resources to those collecting information;
- use computer technology for storing and updating information; and
- assign a person to manage the register of children with handicapping conditions to update information as CSE recommendations are approved and implemented.

### Written Policy:

CSE knowledge of BOE policy on special education is necessary. It is helpful for CSE members to:

- inform appropriate administrators of changing needs and concerns regarding the provision of special education;
- suggest procedures to assure accessibility and present concerns related to lack of program or facility access;
- attend in-service training sessions in areas related to special education and combine efforts with other school administrators to help with staff training; it is important that parent members are provided the same training opportunities;
- routinely project staffing needs to address changes in student needs for types of programs and services;
- develop procedures for reporting to and advising the BOE in areas of written policy; and
- study the issue of district and BOCES classroom space.




### District Plans:

Information in district plans relates directly to CSE activities. A well- developed district plan and written policy will provide CSEs with clear direction. Organizing data on numbers, ages and classifications of students with handicapping conditions as well as the availability and allocation of special education classroom space is essential. Computer use is effective in maintaining current data on students and on class descriptions. Districts may benefit in this area by participating in the database component of the Part 200 Management System, designed by the State Education Department. (Contact the Office for Education of Children with Handicapping Conditions for more information.) Parents and teachers are also helpful in contributing information on program effectiveness. Reviewing records of CSE meetings and recommendations provides direction for revising district plans. Also, recent changes in the requirements for district plans provide greater opportunity for districts to use those plans as a planning tool to coordinate space allocation and other special education considerations with BOCES.

### Approval of Services:

The format and method for presenting information to the BOE affects the clarity and efficiency of the approval process. It may be helpful to:

- survey the BOE to see if the present format for submitting CSE recommendations is useful;
- make necessary changes to improve CSE reporting related to the BOE approval process; and
- ask other districts to share their methods for presenting CSE recommendations to the BOE in order to compare and make changes, as needed.

### Maintaining Lists:

The CSE should be aware of the location of lists and the selection process for surrogate parents and impartial hearing officers. Lists should be periodically reviewed and updated. Candidates for impartial hearing officers are required to receive training through the State Education Department. A current list of persons certified as hearing officers is available through the Office for Education of Children with Handicapping Conditions.

# The CSE and Its Members and Responsibilities

**Legal Reference: Article 89 and Section 200.3 of Commissioner's Regulations**

Article 89 specifies the members who must be appointed by the Board of Education to the Committee on Special Education:

## Mandated

- school psychologist;
- teacher or administrator of special education;
- school physician (does not need to be in attendance at every meeting but must attend if request is made within 72 hours of the CSE meeting); and
- parent of a child with a handicapping condition residing in the district.

*The Regulations of the Commissioner of Education require the participation of the student's teacher, whenever the CSE meets to develop an IEP, thus making the teacher a mandated participant at those meetings.

## Optional

- persons such as related service providers, guidance counselors, occupational educators, Office of Vocational Rehabilitation (OVR) personnel, administrators, school nurses, other parents of children with handicapping conditions, support staff, teachers or others at the discretion of the Board.

The Board of Education may also appoint subcommittees to assist Committees on Special Education. Membership on and responsibilities of subcommittees are similar to the central CSE of the district. However, subcommittees must annually report the status of each student with a handicapping condition in its jurisdiction to the Committee on Special Education and in school districts other than city school districts in cities with a population over 125,000 must also refer unresolved questions regarding recommendations to the central CSE for resolution.

Responsibilities of Committees on Special Education in New York State are outlined in Article 89 of Education Law and in various sections of Part 200 of the Regulations of the Commissioner. They should be carried out with every effort made to involve parents and appropriate agencies for the benefit of the individual child.

## Committees on Special Education are Responsible for:

- Taking appropriate action on each referral of a student suspected of having a handicapping condition.
- Identifying, reviewing and evaluating, at least annually, the status of each child with a handicapping condition and each child thought to have a handicapping condition who resides in the district..
- Reviewing and evaluating all relevant information pertinent to each student with a handicapping condition.
- Making recommendations based on written evaluations, giving the reasons for the recommendations to parents and Boards of Education or trustees.
- Making determinations of student need for 12-month programming.
- Providing prior written notice to parents or persons in parental relationship whenever planning to modify or change the identification, evaluation, educational placement or provision of a free public education advising them of the opportunity to address the CSE.
- Advising the Board of Education or Trustees concerning the frequency and nature of periodic reevaluations of children with handicapping conditions; ensuring that each child in a special class or a special program is reexamined at least once every three years.
- Periodically evaluating the adequacy of programs, services and facilities for children with handicapping conditions.
- Providing parents with appropriate notification and a copy of the policy on psychotropic drugs from an approved private school which uses psychotropic drugs, when making a recommendation to place a child in such a school.
- Reporting at least annually to the Board of Education or Trustees on the status of programs, services and facilities made available by the school district and assuring that this report is available for inspection by the Commissioner. All programs, including extracurricular programs, must be accessible to students with handicapping conditions.
- Providing written notice to parents or to persons in parental relationship to 18-year-old students with handicapping conditions in residential settings, that adult services are available when the student is no longer eligible for free public instruction; requesting consent to forward records to the appropriate adult service agencies.
- Providing written notice to parents or persons in parental relationship to 15-year-old students with handicapping conditions with intensive management needs in full-time nonresidential special programs, that upon age 21 or receipt of a local or Regents diploma, free public education is no longer available; requesting consent to forward records to appro-

priate agencies to allow the opportunity for adult services.

In addition to these responsibilities, Committees on Special Education carry out other duties to explore what is appropriate for a particular student. Consideration of several factors is often necessary. Knowledge of computer technology, issues in secondary education (such as local or Regents diploma requirements, the possibility of awarding a high school IEP diploma, extended study, approved courses or equivalency of instruction), needs of students who are culturally and/or linguistically diverse, and vocational assessment and occupational instruction is essential to good decision-making and program review. Additionally, the knowledge of opportunities for preschool education and transition from secondary school to work is important information to share with colleagues involved in decision making. It may also be helpful to agency representatives or other participants at CSE meetings.

## Committees on Special Education and Other Agencies

Other agencies such as the Office of Mental Retardation and Developmental Disabilities and the Division for Youth which have responsibilities comparable to public schools also have Committees on Special Education or multidisciplinary teams to provide for children with handicapping conditions in other settings.

- Multidisciplinary Teams in State-supported or State-operated Schools Students with severely disabling conditions may be placed in special education programs in State-operated or State-supported schools. The multidisciplinary teams within these settings are responsible for recommending student programs and services. Students who are deaf, blind, severely physically handicapped or severely emotionally disturbed may be appointed to State-supported or State-operated schools by the Commissioner of Education upon application by their parents or by the CSE of the school district responsible for such students. The multidisciplinary teams within these schools have the same composition as the school district CSE. They are responsible for conducting full evaluations for referred students and for recommending student programs and services. Like a school district CSE, the multidisciplinary teams in these schools are required to conduct annual reviews and triennial evaluations.
- Special Act Schools and Child Care Institutions — Children who are placed in child care institutions and Special Act school districts are entitled to appropriate educational programs, including special education. Committees on Special Education in these agencies evaluate and recommend appropriate special education programs for children who reside in such facilities and are thought or known to have handicapping conditions. The public school CSE may be asked to provide evaluative information to other agency Committees.
- Office of Mental Hygiene (OMH) and Office of Mental Retardation and Developmental Disabilities (OMRDD) — School-age children residing in OMH hospitals and OMRDD schools must receive educational programs. Committees on Special Education are established in such facilities to recommend and review appropriate programs for children receiving such care and treatment.
- Division for Youth (DFY) and Department of Correctional Services (DOCS) — Children who are placed in facilities under the responsibility of DFY or DOCS are entitled to educational programs and services. Those who are known or thought to have educationally handicapping conditions are evaluated and considered for special education either by facility-based or regional CSEs appointed by the agency.

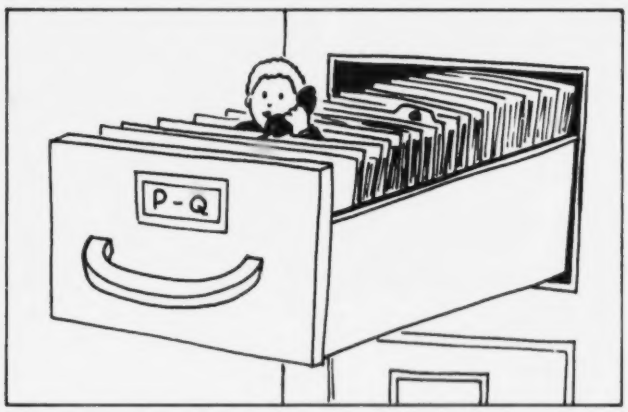
Communication between Committees on Special Education in schools and other agencies is a critical factor in service provision and IEP development for students recommended for more restrictive environments. CSEs in public schools and in other agencies must often cooperate to carry out regulatory procedures. Regardless of the educational setting, school-age students who are identified as having a handicapping condition are provided services using a multidisciplinary approach for evaluation and placement.

## CSE MANAGEMENT STRATEGIES RE: CSE MEMBERSHIP AND RESPONSIBILITY

**The following strategies may help Committees on Special Education and CSE chairpersons implement their responsibilities.**

**Strategy 1... Evaluate overall CSE organization according to the need for:**

- **a central CSE and subcommittees;**
- **full-time/part-time members;**
- **additional members on a full-time, part-time, or rotating basis;**
- **specific qualifications and appointment criteria for members;**
- **assistance by building-level teams or evaluation units which are not subcommittees;**




- support from clerical staff;
- word processing, computer storage of information; and
- the adequacy of office space and meeting rooms.

Strategy 2... Examine daily CSE activities in relation to:

- the assignment of tasks;
- responsibilities for parent notices and contacts;
- the flow of paperwork;
- organizing student information through computerized management systems;
- utilizing the potential of all members;
- the preparation and structure of meetings; and
- convenience of arrangements for parent and teacher participants at meetings.

Strategy 3... Develop communication techniques that:

- encourage sharing of current information;
- balance the contributions of all CSE members and participants at meetings;
- ensure the participation of the student's teacher at IEP meetings;
- encourage interaction with regular and special education staff;
- provide support and encouragement for parents; and
- allow parent, teacher and appropriate student involvement throughout the process.

Strategy 4... Be familiar with various other agencies and BOCES programs in the region:

- maintain a file which includes education laws related to other agencies such as Article 81 (Child Care Institutions), Article 65 (Section 3202), Articles 85, 87, 89 (State-supported and State- operated schools);
- read the Regulations of the Commissioner of Education Part 116 and Sections 200.7 — 200.11;
- obtain information on the types of educational programs and services offered in schools operated by other agencies;
- visit programs operated by other agencies and by BOCES; and
- invite representatives of agencies or BOCES to address CSE meetings.

Strategy 5... Establish networks for obtaining information on:

- training and other staff development sessions;
- community resources and agencies;
- CSE procedures and practices in other districts;
- model programs, innovative school practices;
- equivalent instruction and alternative testing techniques;
- providing appropriate student instruction and evaluation;
- providing 12-month programming;
- opportunities for student employment, continued education and community involvement and support; and
- procedures for students who are aging out of public education and require the support of other State agencies.

# The CSE and Procedures for: Referral, Evaluation, Recommendation, Implementation, Planning Conference, Annual Review and Triennial Evaluation

**Legal Reference: Sections 200.4 and 200.5 of Commissioner's Regulations**

Many of the frequent responsibilities of Committees on Special Education are outlined in Sections 200.4 and 200.5 of the Regulations. There are seven steps that typically describe the process for providing special education. Each of the steps described is followed by management strategies. These steps are:

1. Referral
2. Evaluation
3. Recommendation
4. Implementation
5. The Planning Conference
6. Annual Review
7. Triennial Evaluation

## Step 1: Referral

Referral is the first step in the process of providing special education. Initiating a referral to the CSE means there is reason to believe that a student may have a handicapping condition that adversely effects educational performance.

A referral to the CSE may be initiated by any of the following persons:

- the pupil's parent or person in parental relationship;
- a professional staff member of the school district in which the pupil resides or the public or private school the pupil legally attends;
- a licensed physician;
- a judicial officer;
- a commissioner or designee of a public agency with responsibility for welfare, health or education of children; or
- a pupil on his/her own behalf, if 18 years of age or older or an emancipated minor. (An emancipated minor is defined as a person under 18 who does not live at home and is not under the supervision of another person with parental responsibility or a public agency.)

The required content of a written referral depends upon who initiates the referral:

A referral by a parent, judicial officer or pupil must be in writing. It is helpful, but not required, to include the reasons for referral and to describe any pertinent details about the student's difficulty.

A referral by a professional staff member of the child's school district, a licensed physician or a commissioner (or designee) of a public agency must be in writing and must contain the following information:

- The reasons for believing that a handicapping condition exists;
- Any test results, records or reports, if available, upon which the referral is based;
- A description of any prior attempts to remediate the student's performance or reasons why remediation was not attempted; and
- A description of the extent of parental contact prior to referral.

A written referral may be sent to the CSE chairperson or to the school building administrator.

- When a referral is received first by the CSE chairperson, the parent is immediately notified and the building administrator is sent a copy of the referral within five days.
- When the building administrator is the first to receive a referral, he or she must forward it immediately to the CSE chairperson who will, upon receipt, immediately notify the parent that a referral to the CSE has been initiated.
- A building administrator, upon receipt of a referral, may request a meeting to determine the appropriateness of the referral and the possible use of alternatives to special education.

## Notice to Parents Upon Referral

Notice to parents upon referral is a critical part of the special education process. According to Federal and State requirements, notice informing parents that a referral has been received must include:

- a description of the proposed evaluation or review and its purpose;
- a statement that school records, files and reports on a child

must be available to the parents for their inspection and for duplication at reasonable cost;

- indication that parents shall have the opportunity to participate in CSE meetings for developing their child's recommendation, and the date, time and location of the meeting;
- a statement that parents may be accompanied to meetings by others of their choice;
- information on the right to request, at least 72 hours in advance, the presence of the school physician at CSE meetings;
- indication of the right to obtain an independent evaluation at public expense if the parent disagrees with the school district evaluation;
- a statement that, upon request, information regarding independent educational evaluations may be obtained from the district; and
- a request for parental consent to the proposed evaluation of a pupil not previously identified as having a handicapping condition.

## Referral

For parents of students referred to the CSE for the first time, the notice must also:

- advise the parent of the right to consent or withhold consent to an initial evaluation or placement;
- describe in detail the right to obtain a hearing;
- include a statement of procedures for appealing the decision resulting from a formal hearing;
- indicate what and where low-cost legal services may be obtained; and
- indicate that during the pendency of any due process proceedings, the student will not be evaluated or placed elsewhere, unless the Commissioner or local Board of Education and parents otherwise agree.

An example of such a notice follows on page 00. This comprehensive notice ensures that student and parent rights are safeguarded.

### Withdrawal of Referral

In some instances, parents may wish to discuss the appropriateness of the referral. If this occurs, parents must be given the opportunity to attend an informal conference with the referring party, and with the Committee chairperson or other designated professionals. The parents and referring party may agree, after discussion, that referral to the CSE is not warranted. The referral may then be withdrawn. The agreement of the two parties to withdraw the referral must be in writing.

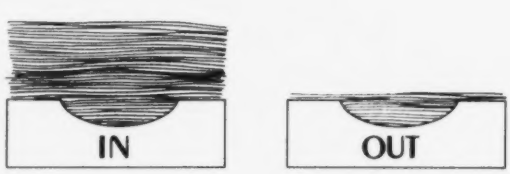
A building administrator who receives a referral may also request a meeting to discuss a referral withdrawal. In this case, the administrator would meet with the parents and the student, if appropriate, as well as the professional staff member who initiated the referral. If another person initiated the referral, that person should be invited. Again, any agreement to withdraw the referral must be in writing; in this instance it is signed by the parents and the building administrator.

An agreement to withdraw a referral must include any alternative methods suggested to resolve the learning difficulty. Suggested methods can include educationally related support services, speech and language improvement or remedial services. An opportunity for a follow-up conference must also be provided. A copy of the agreement is given to parents, to the referring party and to the CSE chairperson. A copy is also placed in the student's cumulative file. If a written agreement to withdraw is not generated, efforts to act on a referral must continue. If there is no parental consent to evaluate within 30 school days after receipt of an initial referral and no agreement to withdraw, the district must initiate an impartial hearing to resolve the issue.

## CSE MANAGEMENT STRATEGIES RE: REFERRAL

**The following strategies may help Committees on Special Education manage student referrals.**

- **Develop a referral form that provides the format for required information.**
- **Establish procedures for logging referrals received by the building administrator and by the CSE chairperson.**
- **Initiate in-service training programs for district staff on the following topics:**
  - **—instructional approaches and interventions in regular education programs and services;**
  - **—when to suspect the possibility of a handicapping condition;**
  - **—establishing parent/teacher communication;**
  - **—how and when to use a referral form.**
- **Establish structured procedures for notifying parents. Consider the following:**

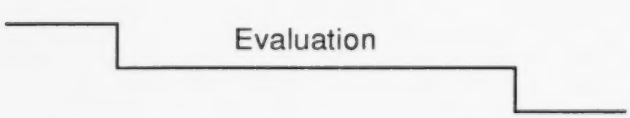


- **—prompt and clear communication with parents to avoid delays or misunderstandings;**
- **—the use of computer-generated notices;**
- **—notices in the various languages spoken within the district and in other modes of communication.**

- **Utilize informal meetings to resolve parent concerns and questions, and to address requests to withdraw referrals.**
- **Develop a standard form which documents agreement between parents and the referring party to withdraw a referral to the CSE.**
- **Evaluate the district's referral process according to the following questions:**
  - **—Is there a district referral process for obtaining regular education services for students?**
  - **—Are referrals to the CSE made appropriately?**
  - **—Do referrals supply required information and are they exchanged promptly?**
  - **—What instructional alternatives and classroom approaches are tried prior to submitting referrals to the CSE?**
  - **—Is there an established method of communication with the building principal which ensures:**
    - **notification of the CSE regarding intent to initiate an informal meeting with parents?**
    - **ongoing contact with CSE?**
    - **information sharing on a student prior to referral?**

## Step 2: Evaluation

Referral to the CSE leads to the second step in the special education process: comprehensive, individual evaluation. However, evaluation to determine the existence of an educationally handicapping condition cannot be conducted without parental consent. Upon receipt of referral for a student not previously evaluated by the CSE, the CSE must immediately notify the parent, as described on page 00, and request consent to conduct the evaluation.




The purpose of the evaluation is to:

- Determine whether the student has a handicapping condition which may require special education services, and
- Provide information that will be used to develop the student's Individualized Education Program, if special education is needed.

The evaluation must include a physical examination, an individual psychological evaluation, a social history, a vocational assessment, where appropriate, other suitable examinations and evaluations and an observation of the student in the classroom. The evaluation must be comprehensive and provide the viewpoints and perspectives of a multidisciplinary team.

An important aspect of the student's evaluation is an assessment of individual performance to determine strengths, weaknesses and needs. Test results should provide student information in the following four need areas:

- Academic or educational achievement and learning characteristics,
- Social development,
- Physical development, and
- Management needs of the student.

Evaluation material from tests already conducted within 3 years is usually acceptable. However, the CSE may want to conduct new assessments in areas they consider sensitive or particularly significant in determining the presence of a handicapping condition. In subsequent evaluations (e.g., when the CSE is considering making a change in classification or other items on Phase I of the IEP) the test results should be more current than three years.

The subsequent reporting of test results should indicate whether a handicapping condition adversely affects educational performance and requires special education. Regulations specify that evaluation and the resulting recommendation must be completed within 30 days from parental consent to testing or within 40 days from receipt of referral, whichever period ends earlier and that the evaluation results must be reported to parents in their dominant language.

The ability of school districts and parents to work together ensures that the evaluation is conducted appropriately and serves as the basis for decisions regarding the student. If parents feel that evaluation is not complete or not correct in some way, they have the right to request further evaluation by the district or independent evaluation at public expense. An independent evaluation is at public expense unless the district initiates an impartial hearing to show that its evaluation is appropriate. If the impartial hearing officer determines that the district evaluation is appropriate, parents have the right to an independent evaluation but at parental expense.

## NOTICE TO PARENT OF REFERRAL TO CSE

Date: _____

Child's Name: _____

Date of Birth: _____

Dear _____.

Your child is having some problems in school. (Referring party) has asked the Committee on Special Education for an evaluation of your child's needs. The Committee on Special Education (CSE) is a team of child specialists. They will determine if your child's difficulty is due to a handicapping condition. Although tests vary from student to student, each evaluation will consist of at least a psychological and educational assessment, a medical examination, and a social history. I have attached a description of the types of tests used most often.

Your child was referred for evaluation for the following reasons:

When the evaluation is complete, we will share the results with you. We need to have your written permission to conduct this evaluation. Please complete and return the attached request-to-evaluate form. If you have questions about giving your permission, please call me as soon as possible.

I have also attached a description of your legal rights. The description is very informative and I urge you to read it carefully. I will gladly provide you with more information if you are interested.

Please feel free to contact me should you have any questions or concerns.

Sincerely yours,

_____
(Chairperson's name)

_____
(phone number)

_____
(address)

Attachments

- Types of Evaluations
- Request for Consent
- Due Process Rights

## COMPONENTS OF A COMPREHENSIVE EVALUATION

| Type of Evaluation | Areas that Are Assessed | Staff Who Might Conduct Evaluations |
|---|---|---|
| Physical Examination | Sight, hearing, physical development, medical needs, and physical factors which affect school progress. | School physician |
| Individual Psychological Evaluation | General intelligence, learning strengths and weaknesses, instructional needs, social interactions, adaptive behavior and relationships. | School psychologist |
| Social History | Social development, current social interactions; factors within home, school and community which may contribute to student's difficulties. | School social worker, school nurse, counselor, school psychologist. |
| Observation in the Classroom | Performance in the current educational setting, relationship to teachers and other students, learning styles, attention span. | School administrator, reading specialist, guidance counselor, CSE member including parent member, school psychologist. |
| Appropriate Educational Evaluations | Educational achievement; learning strengths and weaknesses; vocational and academic skills. | Teachers, reading specialist, guidance counselors, vocational educators, educational evaluators, occupational educators. |
| Assessments in all areas relating to the suspected disability | A specific disability related to health, vision, hearing, social-emotional development, general intelligence, communication skills, motor abilities and academic performance. | School nurse, speech therapist, audiologist, physical therapist, occupational therapist or specialist with knowledge in area of suspected disability. |

## CSE MANAGEMENT STRATEGIES RE: EVALUATION

**The conducting of evaluations is a complex process and may require especially well-organized procedures in order to adhere to regulations and provide assessments needed to make decisions. The following questions should help to direct the development of evaluation procedures.**

### Questions on Evaluation

**Are procedures in place for tracking the status of:**

- **requests for parental consent for initial evaluation?**
- **available personnel to conduct evaluations?**
- **scheduling and completing evaluations (within 30 days**

### Comments

## Questions on Evaluation

## Comments

from consent or 40 days from receipt of referral, whichever period ends earlier)?

- evaluation reports and summaries?

What arrangements are in place for:

- conducting vocational assessments?
- assessing students whose dominant language is not English?
- contracting for specialized assessment services?
- utilizing specialized staff for evaluation and discussion of results (such as occupational educators, vocational evaluators, bilingual education teachers, speech-language teachers, secondary curriculum specialists, etc.)?

Who is responsible for:

- arranging for tests?
- conducting tests?
- choosing the types of assessments?
- summarizing and organizing various reports?

What measures are in place to:

- avoid interruptive or inappropriate times for assessing an individual student?
- minimize parent and student apprehension about the evaluation process?
- assure culturally and linguistically fair assessments?
- lessen unnecessary jargon and increase concise, accurate reporting?
- translate evaluation results into the parents' dominant language?
- maintain confidentiality of records and reports?

What can be done in addition to established evaluation procedures, to utilize the knowledge and assistance of:

- classroom teachers and school building staff?
- parents of the student?
- parent members of the CSE?
- specialists and other resource persons to investigate unusually complex learning problems?
- other agencies and commmunity organizations?

Are evaluators familiar with the IEP format and the four need areas for purposes of:

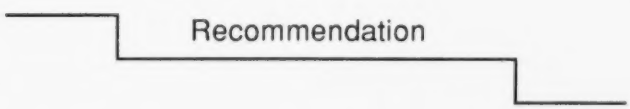
- organizing the focus of assessment?
- organizing results of assessment and observation?
- writing reports and interpreting results within an educational framework?
- synthesizing information to be useful for decision-making and classroom instruction?

## Step 3: Recommendation

Recommendation is the third step in the special education process. CSE recommendations must be based on current evaluation data and the academic, social, physical and management needs of the student. Recommendations should address the concerns which prompted the written referral and should focus entirely on the needs of the student. Matters of available resources or scheduling issues should not be a part of the CSE recommendation. Such items are administrative elements and, although difficult to resolve, must not be limiting factors when recommendations for a student's program are being made. Prior to parents' and Board approval of recommendations, CSE determinations regarding the eligibility of a student for special education and appropriate programs and services should be considered and presented.

The recommendation is developed in a meeting attended by:

- Committee on Special Education Members — CSE members review the evaluation reports and help to develop a recommendation. All mandated members must be in attendance, excluding the physician whose presence is not necessary unless requested.




- Parents of the Student — Parents or persons in parental relationship must be provided the opportunity to participate in meetings to help develop the recommendation for their child.
- An Interpreter — The district must arrange for the presence of an interpreter, as necessary, to assure that parents understand the proceedings of meetings.
- Student — The student may attend CSE meetings when appropriate. The decision to have the student attend should be made cooperatively by the student's parents and CSE.
- Student's Teacher — To provide firsthand knowledge of student performance in the classroom setting, the teacher must attend the recommendation meeting. This must be someone other than the teacher or administrator of special education mandated as a CSE member. (In deciding which teacher will participate in meetings on a student's individualized education program, consider the following:
  - —For a child with a handicapping condition who is receiving special education, the "teacher" could be the child's special education teacher. If the child's handicapping condition is a speech impairment, the "teacher" could be the speech-language pathologist.
  - —For a child with a handicapping condition who is being considered for placement in special education, the "teacher" could be the child's regular teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both.
  - —If the child is not in school or has more than one teacher, the agency may designate which teacher will participate in the meeting.

  The teacher's attendance also facilitates the development of short-term objectives, for the first 30 days of instruction, which are included in recommendations for special education.
- Representatives from other agencies — If it is thought that the student will be recommended for a program in another agency, a representative of that agency or school must be given the opportunity to participate in the meeting. If the student resides in a facility or agency operated or supervised by a State department or agency, a representative from the facility is given an opportunity to attend.
- Other personnel — Others, as determined by the district, may be invited to attend the meeting.
- Persons invited by the parents — Parents may bring others with them to the meetings. This right must be indicated in notices to parents regarding meetings.

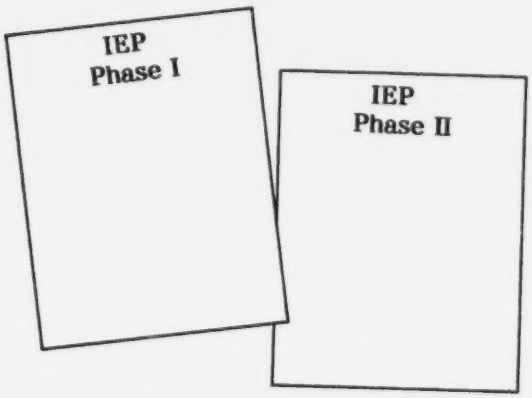
The purpose of the CSE recommendation meeting is to discuss evaluation results, home and school perspectives and student eligibility for special education.

- If the CSE determines that the student does not have an educationally handicapping condition, an appropriate recommendation, sent to the parents and to the BOE, states the reasons for ineligibility. The recommendation includes a determination of the student's need for educationally related support services or other services provided to nonspecial education students. A copy of the recommendation and evaluation information is sent to parents and the building administrator for use in the student's current educational program. When educationally related support services are recommended, the building administrator determines which service(s) are appropriate and, to the extent available, assures their provision.
- A student determined to no longer need special education services may be placed in a regular education program on a full-time basis. The CSE recommendation must include the declassification support services, if any, to be provided to the student and/or the student's teachers as well as the projected date of initiation, frequency of provisions and duration of those services. The declassification support services may not continue for more than one year after the student enters full-time regular education.
- If the CSE determines that the student is eligible for special education, an appropriate recommendation is developed

which includes Phase I of the IEP. The CSE recommendation and request for consent to initial placement in a special education program must be developed and sent to the Board of Education and to the parents within 30 school days after consent to initial evaluation or within 40 school days from receipt of referral, whichever period ends earlier. Examples of parental notice of the CSE recommendation are on pages 00.

An IEP is developed for each student recommended for special education. Phase I of the IEP is developed during the CSE meeting to indicate:

- Present Levels of Performance — Based on the results of the individual comprehensive evaluation, the student's present skills and abilities must be identified.
- Individual Needs of the Pupil — The IEP must describe student needs in four areas: educational or academic achievement and learning characteristics, social development, physical development and management of the child in the classroom.
- Classification of Handicapping Condition — The student's classification is indicated according to the definitions of handicapping conditions which are described in Section 200.1 of the Regulations of the Commissioner of Education.
- Annual Goals/Instructional Objectives — Annual goals describe expectations for a student for one year. Goals correspond to the student's academic, social, physical and management needs and are written for each area of special education. The annual goals are to give direction to parents and staff working with the student and should be further divided into short-term objectives for students entering special education for the first time. Short- term objectives are written to direct the teacher for the first 30 days of instruction — until Phase II of the IEP is developed.




- Recommended Programs (including the extent of participation in physical, occupational and regular education) and Class Size — The types of programs and services for the student are specifically stated on Phase I of the IEP. In addition, if the student is moving from special education to a full-time regular education setting, the IEP must specify declassification support services if needed by the student.
- Projected Date for Initiation and Amount of Time of Special Education and Related Services — This includes the date special education services are expected to begin. The duration and amount of time each day must be specified. The projected date for review of these programs and services must also be listed.
- Eligibility for 12-month programming and identity of the provider of services during July and August.
- Specialized Equipment and Adaptive Devices — Phase I must specify any specialized equipment, devices or adaptive materials that the student needs in order to benefit from the educational program.
- Testing Modifications — If testing modifications are needed, they must be described on the Phase I IEP and used consistently in the student's program. If a secondary level student has been determined to need an exemption from the second language requirement, that must also be noted here. (For more information review the OECHC publication, *Alternative Testing Techniques for Students with Handicapping Conditions.*)
- Recommended Placement — The setting or location for the recommended program must be specified.

The IEP is a detailed and comprehensive plan that describes how the district will provide an appropriate education to the student. The IEP is also an ongoing reference point for parents and districts. It serves as the basis for the student's educational program and documents the appropriate specialized intervention as well as progress of the student in all areas requiring that specialized intervention. Development of Phase I of the IEP should be a cooperative effort. All participants, including students and parents, have an important perspective to share. Phase I becomes the basis for Phase II of the IEP which parents and teachers develop shortly after student instruction begins.

## CSE MANAGEMENT STRATEGIES RE: RECOMMENDATION

**The following suggestions are related to CSE responsibilities for recommendation:**

**Strategy 1... Emphasize prompt completion and coordination of activities leading to recommendation to include:**

- **compiling evaluation results and reports in a format useful to CSE;**
- **responding to parent questions about evaluation;**



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- sending parents prior notice of meetings;
- scheduling meetings to be convenient for participants; and
- completing activities for evaluation and recommendation within 30 days from consent to evaluation or 40 days from receipt of referral, whichever period ends earlier.

Strategy 2... Conduct meetings to promote understanding and cooperation of participants:

- prepare for meetings;
- schedule ample time for meetings during which recommendations are to be developed;
- consider options for scheduling meetings to accommodate parent work hours;
- consider the needs of teachers in arranging for their participation;
- encourage contributions from all members and participants;
- keep the student as the focus of discussion; and
- consider options for meeting during the summer months.

*Strategy 3... Convene in an open meeting but *when discussing an individual child:*

- adopt a resolution to go into executive session;
- segregate the minutes of open sessions from executive sessions;
- disclose within open session minutes only that the CSE met in an open meeting, the attendance at that meeting and the adoption of a motion to go into executive session.

* According to Public Officers Law, Article 7, the Committee on Special Education is a public body and must record minutes of open meetings and of executive sessions where formal vote is taken. Executive sessions concerning individual students are exempt from the part of this law that requires a summary of minutes to be available to the public. It is advisable, but not a requirement, that minutes or some type of a summary be recorded for executive sessions concerning individual students. The minutes are not public information, however, and should be separated from the required minutes of other CSE meetings.

Strategy 4... Present information in a useful way:

- distribute copies of written information during the meeting;
- refrain from reading entire reports to parents; and
- encourage discussion and questions.

Strategy 5... Establish procedures for reaching agreement:

- record the meeting in some way (minutes, tape, written transcript or summary);
- ensure that mandated members are in attendance;
- take a vote, or establish verbal agreement;
- record any dissenting opinions (this is a Federal requirement for decisions on classifying a student as learning disabled);
- meet informally prior to recommendation to clarify any major questions; and
- use informal conferences with parents to attempt to settle unresolved parental concerns.

Strategy 6... Keep the purpose of referral in mind when making recommendations:

- establish eligibility or ineligibility for special education;
- discuss the rationale for CSE recommendations;
- if eligibility is the outcome, be sensitive but also direct with parents; know the criteria, explain the classification and describe how educational performance is adversely affected;
- emphasize the instructional direction of the child's program and its relationship to individual needs; and
- assure that all evaluative material and subsequent recommendations can be substantiated.

Strategy 7... Understand the intent of the IEP:

- it represents a long-range plan for the district's education of a particular child; it is not just a piece of paper;
- its components are developed and recorded to allow parental input;
- it details approaches for children with different needs; it is not a test or a student report card;

## NOTICE TO PARENT OF CSE RECOMMENDATION

(ELIGIBILITY)

Dear _____,
(parent/guardian)

(Child's name) , has been evaluated by the Committee on Special Education to determine the need for special education. As a result of the CSE meeting on (date) , the following recommendation is being sent to the Board of Education:

(Information added)

Please review the attached information about your rights in the special education process. I will gladly answer any questions about your legal rights or about the recommendation for your child. A copy of the first part of your child's educational plan (Phase I of the IEP) and an assessment summary are enclosed for you.

Please return the REQUEST-FOR-CONSENT to me at your earliest convenience. Your consent is needed to implement the program. Your prompt reply will help us to provide (child's name) with an appropriate school program.

Sincerely,

_____
CSE Chairperson

Enclosures:

- Request for Consent
- Due Process Rights
- Phase I IEP and Assessment Summary

## NOTICE TO PARENT OF CSE RECOMMENDATION

(INELIGIBILITY)

Dear _____,
(parent/guardian)

(Child's name) , has been evaluated by the Committee on Special Education to determine the need for special education. As a result of the CSE meeting on (date) , we have determined that your child does not have an educationally handicapping condition. The test results and recommendations, including recommendations for certain kinds of regular education support services, have been forwarded to the building administrator. This information will help those providing the regular education program. The following recommendation has been sent to the Board of Education:

(Information added)

Please review the attached information regarding tests, reports, results of the tests given and your rights. I will gladly answer any questions that you have if you call me at or stop by my office which is located in .

Thank you for your cooperation and support.

Sincerely,

_____
CSE Chairperson

Attachments — Due Process Rights
— Assessment Summary

- **Phase I of the IEP is not useful to parents, teachers or administrators if it is not complete, specific and timely; and**
- **it should be transmitted to appropriate persons working with the student.**

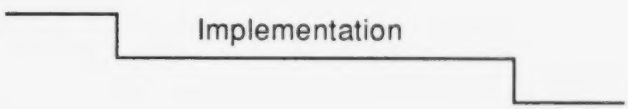
**Strategy 8... Evaluate the written notice which informs parents of the CSE recommendation:**

- **the contents should be consistent with regulations;**
- **the language should be clear, understandable and informative;**
- **recommendations involving private schools that use psychotropic drugs must be accompanied by a copy of that school's policy on the use of such a program, to the parents, and an assurance that the parents understand the policy; and**
- **requests for consent, if sent by mail, should be easy to return.**

### Step 4: Arranging for Implementation

Following the CSE recommendation, the BOE has 30 school days to arrange for implementation, the fourth step in the special education process. In order to arrange for implementation, several activities must occur within this time period:

- The BOE must act on the CSE recommendation.
- The BOE must notify parents of its decision.




- Parents must provide written consent to the recommendation for a student entering special education for the first time.
- The school district or agency must prepare for student entry into the appropriate educational setting. If this setting is a BOCES, district assurances of available space for special education programs at such facilities, which were made in the district plan, will prevent last minute problems in implementation.

During this time period, actions of the Board of Education and of parents may result in additional activities for the CSE. For example, if parents do not respond to the CSE request for consent to initial placement, the reason for lack of response should be explored and resolved. If the BOE delays action on a recommendation, the time frame for implementation, once approved, will be shortened.

At this point in the process, providing special education and/or implementing the approved CSE recommendation moves from CSE members to administrators and teachers. The responses of key decision makers in this process — parents and school boards — affect the scheduling and intensity of CSE and other administrative activity during this step's time frame. It is incumbent on all decision makers to assure that, despite other considerations (scheduling, etc.), their focus remains on the needs of and recommendations for the student.

## CSE MANAGEMENT STRATEGIES RE: ARRANGING FOR IMPLEMENTATION

### Cooperation with the Board of Education:

**Respond to BOE needs for reviewing CSE recommendations.**

- **Be familiar with protocol regarding BOE meetings and procedures.**
- **Use a reporting format that the BOE has approved or suggested, and is useful.**
- **Provide additional information, if requested.**
- **Be attentive to the 30-day timeline for recommendation and the 30-day timeline for arranging for implementation.**

### Communication with parents:

**Stay in contact with parents following the recommendation to prevent unnecessary delays.**

- **Respond to parents' questions.**
- **Arrange for program visitations, as needed.**
- **Encourage parents to support their child during this transition.**
- **Schedule an informal conference to help resolve previously unforeseen problems.**
- **Inform parents of the advantage in responding promptly to the request for consent — to quicken provision of an**

**appropriate program or to resolve their concerns related to consent.**

- **Utilize the experience and knowledge of the parent member of the CSE.**

**Coordination with program providers:**

**Assure that program personnel are aware of changes.**

- **Notify teachers and school staff of expected change.**
- **Promptly provide Phase I of the IEP to appropriate administrative and instructional staff in the approved program.**
- **Assist with arrangements for transportation.**
- **Help ease transition by encouraging teachers to prepare students for change.**
- **Maintain contact with out-of-district service providers.**
- **Assure the continued availability of classroom space within BOCES through the two-year process of developing district plans.**

## Step 5: The Planning Conference

The planning conference is the fifth step in the special education process and emphasizes instructional planning. During the first 30 school days of a student's program, teachers and related service providers work with CSE-developed goals and objectives on Phase I. As soon as possible within this time period, the special educator schedules a planning conference with the parent to develop Phase II of the IEP which is based on the goals of the Phase I IEP. Parents must be notified of the date, time and location of the meeting at least five days prior to the conference. Parents must also be informed of the opportunity to bring others to the meeting.

### The Planning Conference

The planning conference participants must include:

- the student's teacher;
- the student, whenever appropriate;
- the parent or legal guardian;
- other individuals at the parent's or agency's discretion;
- an interpreter, if necessary;
- a representative of the agency, other than the child's teacher, who is qualified to provide or supervise special education:
  - —for an initial planning conference, a representative of the agency shall be given the opportunity to attend;
  - —for each subsequent planning conference, a representative of the agency must attend.
- a representative of the school district responsible for the Phase I development who is qualified to provide or supervise special education shall be given the opportunity to attend; and
- a member of the evaluation team or a person who is knowledgeable about the evaluation procedures used with the student shall be given the opportunity to attend the planning conference for a student who is being placed for the first time.

The purpose of the planning conference is to develop Phase II of the IEP according to the goals and objectives indicated in Phase I. Phase II must include:

- short-term objectives that are consistent with the annual goals for the student; and
- appropriate objective criteria, evaluation procedures and schedules for determining whether objectives are being met.

The planning conference provides parents and teachers with an opportunity to discuss details of the child's program. When combined with knowledge gained at the CSE meeting, it gives parents and staff the opportunity for a full understanding of expectations projected for the coming year.

## CSE MANAGEMENT STRATEGIES RE: PLANNING CONFERENCE

**The CSE role in organizing the planning conference varies from district to district. However, the following practices by the CSE are helpful to building level service providers in planning for student instruction:**

- **The CSE should promptly provide current student information and Phase I of the IEP so that program providers may contact parents and begin to develop Phase II of the program.**

- **A CSE member or subcommittee member may, in some districts, be requested to participate at the planning conference as a member of the evaluation team or as a provider or supervisor of special education who helped develop Phase I.**
- **CSE members can help teachers by providing consultation on conducting meetings, encouraging parent involvement, developing jargon-free notices, maintaining contact between home and school, etc.**
- **A CSE member should stay in contact with the special education director or school administrator to ensure that Phase II conferences are conducted as required.**

## Step 6: Annual Review

The sixth step in the special education process is an annual review of the IEP. The CSE is required to review the program of each student, at least annually, to ensure the appropriateness of the IEP. The date of the CSE review of the IEP is projected in Phase I. Although the first review must be conducted within one year of student entrance into special education, more frequent reviews may be conducted.

During an annual review meeting, the Committee on Special Education and other participants discuss the need to continue, change, or end the special education program. The CSE must consider the student's educational progress and achievement, as well as the student's ability to participate in regular education. If the student no longer needs special education, the CSE must consider the appropriateness of declassification support services and include any recommendation for these services in their recommendation to the Board of Education. Parents must also be informed that they may bring others with them to the meeting. Also, when it becomes appropriate, the student's needs for postsecondary education or post-school programming via the aging-out process, must be considered by the CSE. Parents must be informed of the meeting at least five days in advance. Parents must be told in this written notice of the date, time, location, and persons expected to attend the meeting. The CSE annual review is a separate process from the guidance annual review which also must be conducted but separately from the CSE annual review.

Annual Review

The participants in a review are similar to the participants in previously described CSE recommendation meetings. They include:

- CSE members;
- parent or legal guardian;
- student, when appropriate;
- student's teacher;
- representatives of other agencies to be recommended or of agencies in which the student resides; and
- others as invited by parents or agency.

As a result of a CSE review, Phase I of the IEP is modified as recommended. The changes and revisions should reflect the current levels of student performance and individual needs so that a new foundation can be provided for continued Phase II development. The recommendation for Phase I is sent to parents and to the Board of Education. This notice to parents is similar to notice of CSE recommendations for students first entering special education, except that request for consent is not necessary. The Board sends notice of its decision to parents indicating approval, modification or disapproval of the CSE recommendation.

## CSE MANAGEMENT STRATEGIES RE: ANNUAL REVIEW

Analyze the current method for conducting reviews. If the process is less efficient than desired or if improved quality of Phase I development is needed, consider the following strategies. In addition to the ideas listed below, CSE's should consult the OECHC publication, *Annual Review Process Update for Committees on Special Education*, designed to aid the annual review process through a focus on legislative and regulatory changes which affect that process.

Strategy 1... Staffing assignments for reviews may require one or more of the following:

- subcommittees for reviews;
- staggering of reviews during the school year;
- scheduling annual reviews to coincide with parent-teacher planning conferences; and
- special arrangements for reviews of students in out-of-district placements, as well as students in out-of-state placements who may be referred to the State Education Department's Children's Residential Project for placement in in-state facilities.

Strategy 2... Prior to annual review, gather current student information from one or more of the following:

- building administrator;
- regular and special education teacher(s) and related service providers;
- parents;
- the student;
- involved agencies (a file on private schools that use psychotropic drugs should be maintained);
- guidance counselor regarding information from the annual guidance review.

**Strategy 3...** **Ensure that notice is sent to parents at least five days prior to the meeting so that:**

- **mutually convenient arrangements can be made, if needed;**
- **interpreters can be assigned, as needed;**
- **parents have ample time to request the presence of the physician; and**
- **parents may arrange for others to accompany them, if desired.**

**Strategy 4...** **Emphasize the purpose of individual student review in relation to the need for:**

- **change in the level of special education services;**
- **increase or decrease in regular and occupational education participation; an increase may require attention to a need for additional modified instructional techniques and materials, a decrease may require attention to concerns about equivalent instruction for students who can receive diploma credits in a special class setting;**
- **student transition to a less restrictive environment;**
- **alternative testing techniques;**
- **progress toward graduation requirements (the accumulation of credits, demonstration of competencies, retaking of tests, etc.);**
- **considerations regarding high school IEP diplomas;**
- **opportunities for gainful employment (annual reviews at the secondary level are critical points for planning the transition from school to work or postsecondary education);**
- **community resources and other agency involvement, particularly regarding aging out procedures; and**
- **need for declassification support services.**

## Step 7: Triennial Evaluation

A triennial evaluation is required as the final step in the cycle of special education. It is a reexamination of the student to determine individual needs and continuing eligibility for special education. This evaluation must be conducted within three years of the initial evaluation and at least every three years, thereafter, for each student receiving special education.

### Triennial Evaluation

A triennial evaluation must be conducted by a physician, school psychologist and, to the extent required by the CSE, other qualified professionals. The triennial examination must provide sufficient information for determining the extent of student progress and development after three years in specialized programs. The results of the evaluation aid discussions during the annual review process. As with any proposed action, parents must be notified prior to the evaluation and be fully informed of its results and impact on the student's program recommendation.

## CSE MANAGEMENT STRATEGIES RE: TRIENNIAL EVALUATION

**The process for reevaluating students in special education is similar to the process for other CSE evaluations. However, the arrangements for triennial evaluations are somewhat easier to anticipate because of information that is already known. Previously compiled data can be used to:**

- **project the number of triennial evaluations anticipated per year;**

- **plan schedules in advance to accommodate staff and student availability;**
- **determine what new or additional focus might be needed for certain students;**

- arrange for the gathering of information from current teachers, service providers and parents; and
- notify parents well in advance.

The results of the triennial evaluation are helpful for:

- discussing a child's progress during annual review;
- supporting specific changes or revisions in the IEP Phases I and II;
- determining the readiness of a student for reentering regular education on a full-time basis; and
- determining a student's needs when aging out of public education programs.

# The CSE and Due Process

**Legal Reference: Sections 200.4, 200.5 of Commissioner's Regulations**

Due process of law is a term that describes legal procedures which are carried out consistently and in accordance with constitutionally-guaranteed rules and principles. The procedures of due process have been developed to protect the individual rights of citizens. In special education, the principles and procedures of due process apply to the right of students with handicapping conditions to a free and appropriate public education in the least restrictive environment.

Due process for special education in New York State includes procedural safeguards such as notice, consent, confidentiality of records, appointment of surrogate parents, impartial hearings and appeals to the Commissioner of Education. The CSE's role is to assist the school district in meeting its responsibilities to assure that those procedural safeguards are in place and that each procedure is carried out properly and in a timely manner so that the rights of students with handicapping conditions are guaranteed and protected.

## Notice

Notices are written statements that describe proposed actions of school districts on behalf of students thought or known to have educationally handicapping conditions. A notice informs parents and provides an opportunity for their participation in decision-making. Notice must be in understandable language and in the dominant language or mode of communication used in the home.

Notice is required in several instances during the provision of special education. Districts must notify parents or students themselves, when appropriate, of:

- proposed actions to evaluate to determine the existence of an educationally handicapping condition;
- meetings to discuss a proposed recommendation;
- meetings to develop Phase II of the IEP;
- proposed actions to review the IEP;
- proposed actions to reevaluate; and
- the end of eligibility for tuition-free educational services.

If the student is 18 years of age or older, the CSE should provide notice to that student himself or herself, unless the parent has been declared legal guardian.

## Consent

Consent is written permission from parents to allow a proposed action to occur. Parents provide consent voluntarily and with full knowledge of the proposed action. Therefore, the school district must make sure that parents understand the purpose of the activity and know when information will be released to others involved in the process. Parents may disagree to a proposed action at any time. In cases of joint custody of a student, both parents should be appropriately notified and both must consent to actions taken on behalf of their child.

Written consent is required in four instances:

- prior to conducting the initial evaluation of a pupil *not* previously identified as having an educationally handicapping condition;
- prior to the provision of special education for a pupil *not* previously identified as having an educationally handicapping condition;
- prior to the provision of a 12-month special education program for a pupil *not* previously in such a program; and
- prior to the pupil's aging out of public education programs.

If the student is 18 years of age or older, the CSE should contact that student for consent to an initial evaluation and to the initial provision of special education.

## Confidentiality of Records

Confidentiality of student records or other personally identifying information is protected by P.L. 94-142, by the Family Educational Rights and Privacy Act of 1974 (Buckley Amendment) and by Part 200 of the Regulations of the Commissioner. Confidentiality ensures that access to student records is provided to only those individuals or agencies with legitimate educational interests. Written consent from parents is required before releasing records to anyone *other than the following*:

- school officials, including teachers within the educational institution or local education agency, who have legitimate educational interests;
- officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that parents are notified of the transfer of records, receive a copy, if desired, and have the opportunity for a hearing to challenge the content of the record;
  - Note that a college or other postsecondary educational institution may not receive such records without parental consent. CSEs may want to discuss the matter with parents, however, since such information may help the institution plan for instructional modifications and support services needed by the student upon admission.

- authorized representatives of Federal and State educational agencies;
- in connection with financial aid for which the student has applied;
- State and local officials to whom information is specifically required to be reported pursuant to State statutes adopted prior to November 19, 1974;
- organizations conducting studies for, or on behalf of, educational agencies provided that the studies are conducted in a manner which does not permit the identification of students and their parents by anyone other than representatives of the organization;
- accrediting organizations in order to carry out their accrediting function;
- parents of a dependent student;
- to comply with a judicial order or lawfully issued subpoena provided that reasonable effort is made to notify the parent or the student, if eligible, in advance; and
- appropriate parties in a health or safety emergency.

For purposes of ensuring confidentiality, educational agencies or institutions must keep, with the student's education records, a log indicating who requests personally identifiable information and the reasons for the requests. The log of record requests may be inspected by the parent or eligible student and by authorized school and agency representatives.

Requests for access by parents, involved school officials, including teachers, and requests accompanied by written parental consent do not have to be recorded. However, local district policy may require documentation of all requests to indicate that only authorized individuals have been allowed access.

## Surrogate Parents

In most cases, students who are referred to the Committee on Special Education are represented by their parents or legal guardians. On occasion, the Board of Education may receive requests to assign a surrogate parent from individuals whose work involves education or treatment of children. The opportunity for this assignment allows all children who may need special education to have adult representation for due process of law.

In order to assign surrogate parents, the CSE must send a notice of the possible need for a surrogate to the adult in charge of the student's residence or to the parents or legal guardians at their last known address. The CSE must then determine whether the parents or guardians are unknown, unavailable, or whether the student is a ward of the State. If the CSE determines that there is need for representation, the BOE assigns a surrogate parent from a list of eligible individuals. This must occur within 10 days of the date that the CSE determined the need for a surrogate.

To be eligible, persons selected as surrogates must be willing to serve in this type of capacity. They cannot be officers, employees or agents involved in the education or care of the child. To the extent possible, individuals should be selected who:

- have no other interest which could conflict with their primary allegiance to the student they would represent;
- would acquaint themselves personally and thoroughly with the student and his or her needs;
- are of the same racial, cultural and linguistic background of the student; and
- are generally familiar with the educational options available to children with handicapping conditions.

The surrogate parent, when being selected, should also be aware that the student must be represented at least through the first review of the Individualized Education Program.

## Impartial Hearings

An impartial hearing is an informal procedure used to resolve disagreement between parents and school districts over the provision of special education. This due process procedure allows an impartial officer to hear both sides of the issues and resolve the dispute.

An impartial hearing may be requested by a parent or initiated by the district. The Board of Education arranges for the location of the hearing and appoints the hearing officer from a list of persons on file. Impartial hearing officers may not be employees of the district or the BOCES in which the district is a component.

The impartial hearing is conducted somewhat like a court proceeding. Impartial hearings are closed to the public unless the parent requests an open session. Impartial hearing procedures include:

- the prior exchange of documents to be used during the hearing;
- calling of witnesses by the school district and the parents to provide information and to respond to questions on the issue;
- verbatim record of the proceedings for future reference; and
- rendering of an impartial decision by the officer.

The hearing provides both parties with the opportunity for presenting their arguments to determine a fair resolution of the matter. During and throughout the proceedings, the student remains in the current special education placement. If a placement has not yet been provided, the student may be recommended for an interim program of special education services.

### Requests for Impartial Hearings by Parents

Parents may request an impartial hearing at any time to protect their child's interests. Some of the reasons for these re-

quests are listed below. Informal methods to resolve the issue should be attempted to minimize the need for formal resolution.

- Disagreement with the recommendation of the CSE or BOE determination.
- Failure of the CSE to evaluate and recommend a program within 30 school days of consent.
- Failure to implement the CSE recommendation within 30 school days.
- Failure to review the child's program at least annually or failure to reevalute the child every three years.
- Disagreement with the special education provided.

### Impartial Hearings Initiated by the School District

The Board of Education is responsible for ensuring that a student with a handicapping condition receives a free appropriate public education. To fulfill its responsibilities in this process, the BOE must initiate an impartial hearing when:

- Parents do not consent to an evaluation for students referred to the CSE for the first time and the referral has not been withdrawn by mutual agreement. The Board of Education must initiate an impartial hearing to obtain an evaluation despite the absence of parental consent.
- A school district challenges an independent evaluation sought by the parents at public expense.
- Parents do not consent to the CSE recommendation for students being placed in special education for the first time.

After the parents and the Board of Education have explained their respective positions to the hearing officer, the hearing officer must write a decision. A copy of the decision must be mailed to the parent and the BOE within 45 calendar days of the date that the hearing was requested. The decision will inform parents and the BOE of the right to appeal the decision to the Commissioner of Education. Also, within five days of receiving the hearing officer's decision, the BOE must mail a copy, after deleting any personally identifiable information, to the Office for Education of Children with Handicapping Conditions.

### Appeal to the Commissioner of Education

The appeal to the Commissioner provides another level of resolution regarding the provision of a child's special education. The appeal is a legal process. Procedures for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. This information may be obtained in a booklet entitled *Handbook I, Regulations of the Commissioner of Education Relating to Appeals and Other Proceedings Before the Commissioner*. The booklet can be obtained by writing to:

New York State Education Department
Office of Counsel
Education Building
Albany, New York 12234

A general overview of the appeal process and required forms are included in Appendix A of this manual.

## CSE MANAGEMENT STRATEGIES RE: DUE PROCESS

### General

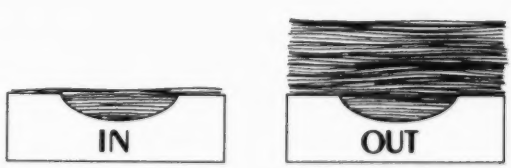
- **Establish a computer management system to organize, file and retrieve data and appropriate notices and requests for consent. (Such a system has been developed by the State Education Department.)**

### Notice

- **Assign responsibility for assuring that notices are sent promptly and accurately.**
- **Use standard forms for required notices. It may help to code them. For example:**

  **N-1 notice requesting consent for evaluation;**
  **N-2 notice of meeting for CSE review;**
  **N-3 notice of triennial evaluation or reevaluation;**
  **N-4 notice of CSE recommendation;**
  **N-5 notice of BOE decision;**
  **N-6 notice of the Phase II planning conference.**

- **Prepare attachments which provide required information for the various notices:**
  - **descriptions of the proposed evaluation;**
  - **descriptions of due process rights;**
  - **lists of low-cost legal services;**
  - **agencies that conduct independent evaluations.**



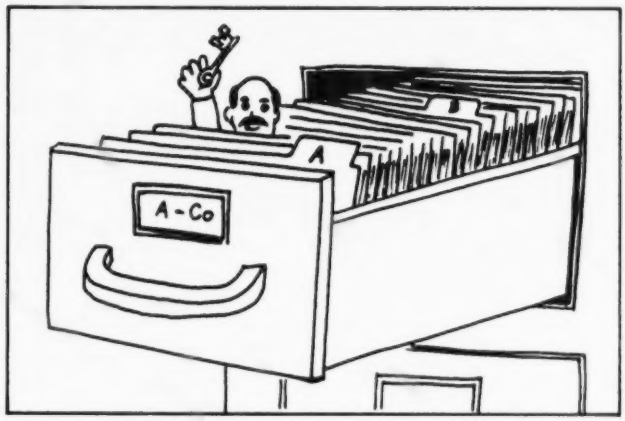

### Consent

- **Develop a standard format for obtaining consent.**
- **Simplify the process for returning consent forms.**
  - **obtain consent from parents in person;**
  - **provide postage;**

- use registered or certified mail for prompt delivery;
- contact parents by phone, if possible, to alert them of timelines;
- eliminate procedures that require unnecessary written consent.

## Confidentiality

- Use locked file cabinets for student records.




- Maintain procedures for accessing records.
- Establish a sequence in each folder for common documents.

reasons for accessing records.

- Carefully distribute and collect reports at meetings to safeguard confidentiality.
- Inform parents that they are entitled to inspect their child's records; provide copies at a reasonable cost.
- Assure that confidential records are retained according to the schedules for record retention and disposition established by the New York State Archives.

## Surrogate Parents

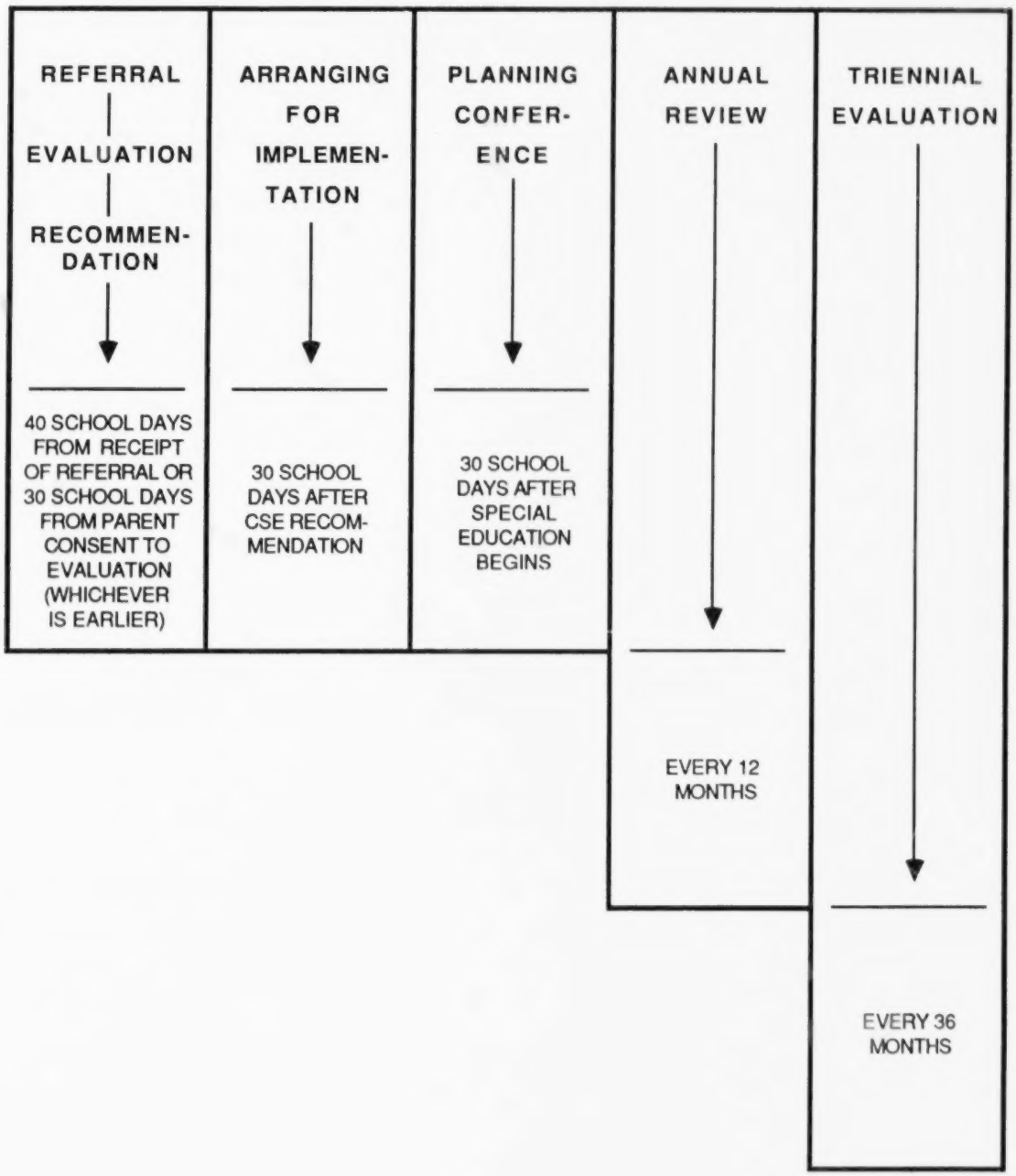
- Assign responsibility for updating lists of surrogate parents, as needed.

## Impartial Hearings

Districts who become involved in an impartial hearing will be better prepared if:

- record-keeping begins with each referral.
- CSE meetings are documented with executive session minutes separated from open session minutes.
- parent contacts are documented through one or more of the following:
  - a daily log;
  - calendar notations;
  - an attachment to student records that lists parent contacts;
  - registered mail receipts.
- timelines for compliance with regulations have been followed:
  - 10 school days to obtain consent to evaluation;
  - 30 school days from consent or 40 school days from receipt of referral (whichever period ends earlier) to complete an evaluation and make a recommendation;
  - 30 school days to implement the recommendation by obtaining parent and BOE approval and arranging for placement;
  - 30 school days from placement to develop Phase II of the IEP;
  - yearly CSE reviews and Phase II planning conferences;
  - triennial evaluations.
- each recommendation for special education programs and services is substantiated by documentation including:
  - relevant evaluation data, test results, etc.;
  - formal and ancedotal reports from CSE members and school staff;
  - transcriptions of comments from parents, staff, etc.

# THE SPECIAL EDUCATION PROCESS



# The CSE and The Continuum of Services

**Legal Reference: Section 200.6 of Commissioner's Regulations**

In New York State, a range of educational programs is offered to address the individual needs of students. Special education and related services are part of the total school program. The range of programs progress across a continuum from regular education to special education. Regular education generally consists of:

- Screening programs;
- Regular education classes;
- Remedial programs;
- Testing and testing preparation programs;
- Support services such as counseling, psychological services, school health programs, speech and language services, social work services, summer programs
  - — Educationally Related Support Services, Speech and Language Improvement, Declassification Support Services;
- Alternative instructional programs;
- Extracurricular activities.

Although regular education programs and services vary among districts, minimum requirements for student performance and instruction are consistent throughout the State. The following describes recently implemented programs of support provided to students who are ineligible for or no longer need special education:

- Educationally Related Support Services — temporary services which are intended to help the student remain in regular education. These school psychological services, school noncareer counseling and school social work services can be provided to students who do not have a handicapping condition and are experiencing difficulties in school. School districts receive State funding to supplement such programs. When a CSE determines that a student who has been referred does not have a handicapping condition and, therefore, is not eligible for special education services, it forwards that determination and supporting information to the building principal. Eligibility for educationally related support services is determined by the principal in consultation with the student's teacher and an educationally related support service professional.
- Speech and Language Improvement Services — services provided to students, in grades kindergarten through 6, who have speech impairments such as dysfluency, impaired articulation, language disorders, or voice disorders that present a barrier to communication but do not adversely affect the student's educational performance. Districts receive State funding to supplement such programs.
- Declassification Support Services — services provided to students and their teachers to assist the students when moving from special education programs and services to full-time regular education. These services include psychological and social work services, speech and language improvement services, noncareer counseling and other appropriate support services. A student's need for declassification support services is determined by the CSE at the time of a recommendation that a student, who has been receiving special education, no longer needs such services and can be placed in the regular education program on a full-time basis.

Special education is specially designed instruction or special services to meet the unique needs of a student with a handicapping condition. The types of special education that must be available include related services, resource rooms, special classes and transitional support services. They are specified in Section 200.6 of the Regulations of the Commissioner of Education. Any aspect of the continuum is available to each student in the district and movement from one program on the continuum to another is possible through ongoing evaluation of student abilities and needs.

## SPECIAL EDUCATION PROGRAM OPTIONS

### Transitional Support Services

- Consultation and training is provided to regular or special education teachers.
- It is provided when a student moves to a less restrictive setting and is indicated on the IEP.
- Transitional support is not a direct service to students.
- Transitional support is not the same as Declassification Support Services, which is a regular education program of support available to students who no longer need special education.

### Related Services

- This includes audiology, counseling services, catheterization, interpreters for the deaf, medical services for diagnostic purposes, psychological services, support services (i.e., mobility training or orientation), speech pathology, physical therapy and occupational therapy and other appropriate support services.
- Related services assist students in special or regular education classes.
- There is a maximum group of five students per teacher or specialist.

- For students needing speech and language services, the services must be provided a minimum of two periods each week and the total caseload for teachers of such services must not exceed 65.
- Students are grouped according to similarity of need.

### Resource Room Program

- It is provided as supplemental instruction to regular or special education.
- It must be recommended for a minimum of three hours each week; a maximum of 50 percent of each day.
- A unit of credit is not awarded for coursework completed in a resource room program.
- A maximum of 20 students with handicapping conditions is assigned to each teacher; other students, not classified as having handicapping conditions, may be allowed by a district to participate in the program.
- A maximum instructional group of five is allowed, when students with handicapping conditions are in the group.
- Students are grouped according to similarity of need.

### Special Class Program

- Special class refers to daily specialized instruction in primary instructional areas.
- Special class options include:
  - 12 students and 1 teacher, per instruction group, (12:1)
  - 12 students and 1 teacher plus 1 paraprofessional, (12:1 + 1)
  - 6 students and 1 teacher plus 1 paraprofessional, (6:1 + 1)
  - 12 students and 1 teacher plus 1 staff person for every 3 students. The staff persons may be teachers, paraprofessionals and/or related service providers, (12:1 + 3:1)
- Credit may be awarded for coursework that is determined equivalent to regular education coursework.
- Students are grouped according to similarity of need.
- For the parents of students placed in the special class options of 6:1⅔1 and 12:1 + 3:1 the district must provide counseling or education in order to help the parents provide follow-up intervention at home.

## PLACEMENT OPTIONS

Program options may be provided in various settings. The following placements may be recommended for students with educationally handicapping conditions:

- Public schools;
- BOCES;
- Special day schools;
- Residential schools;
- Home/hospital settings (Instruction in a home or hospital setting is a temporary or short-term placement except under the most unusual circumstances.); and
- Children's Residential Project (CRP) — Certain students have unique needs for specialized residential services as well as special education programming. CSEs may consider such students for this special project which involves the cooperative efforts of the CSE, parents and the Office of Mental Retardation and Development Disabilities. Referral to the CRP is coordinated through the State Education Department.

## DETERMINING APPROPRIATE SPECIAL EDUCATION

The Committee on Special Education recommends programs and placements based on individual student needs. Starting with referral, the CSE collects information leading to an appropriate recommendation. Information in the four need areas is important for structuring a recommendation.

### Four Need Areas

- Levels of academic or educational achievement and learning characteristics. (This includes performance in school subject areas, language and developmental skills, intellectual functioning, rate of progress and learning styles.)
- Levels of social development. (This includes student self-concept and interactions and relationships with peers, adults, family and environment.)
- Levels of physical development. (This includes size, mobility, vision, hearing, health and vitality level.)
- Management needs of the students in the classroom. (This includes student needs for supervision, support and environmental adaptation.)

Gathering information in these four need areas helps the CSE to form programmatic decisions. CSEs must ensure that the information in these areas is comprehensive and indicated on the IEP.

When determining which special education programs are appropriate, the CSE and BOE must consider the least restrictive environment. The student's program should:

- be appropriate to his or her individual needs;
- provide opportunities for involvement with nonhandicapped peers; and
- be considered in proximity to home.

### Grouping by Similarity of Needs

Provided BOE and parents approve, a student is placed in the recommended program. CSEs should know how students are grouped for instructional purposes, although the extent of their involvement in this process will vary depending on local procedure. Students with the same or with different handicapping conditions may be grouped together depending on the similarity of individual needs.

Grouping students by similarity of need is an administrative task that requires several considerations. Instructional groups should be balanced according to skills and management needs. Students' range of needs should be limited to the extent that one student's needs do not infringe on other students' opportunities to learn. For special classes of 12:1 and 12:1 + 1 where the range of achievement levels in math and reading exceeds three years, the district must provide a description of the range to the CSE, parents and class teacher. The description must include achievement levels in math and reading and general levels of social and physical development and management needs.

The CSE provides comprehensive information to those who arrange instructional groups. Phase I of the IEP establishes a framework for determining an appropriate instructional group of individual students with similar needs.

### 12-Month Programming

Committees on Special Education may determine that certain severely handicapped students require year-round educational programming. Recommendations for 12-month programs must be based on a student's need for a consistent structured learning environment in order to maintain developmental levels as well as on the severity of need in the four areas described above. Twelve-month programs are available to students with handicapping conditions in the following categories:

- students whose management needs are highly intensive and require placement in a special education class with a ratio of one professional and one paraprofessional to six students;
- students with severe multiple handicaps who require placement in a special education class of twelve students and one teacher with one additional staff member for every three students;
- students recommended for home and hospital instruction whose special education needs are highly intensive;
- students residing in a seven-day residential program; or
- students determined by the CSE to need a structured learning environment of 12-months duration to maintain developmental levels.

## CSE MANAGEMENT STRATEGIES RE: CONTINUUM OF SERVICES

**Strategy 1... Develop guidelines that help determine appropriate programs and services.**

| Question | Comments |
|---|---|
| **What are the key factors that differentiate the level of service?** | |
| **• What are the critical questions which lead to the determination of special education rather than regular education?** | |
| **• What alternatives have been provided to the student prior to referral for special education?** | |
| **• Should the student be considered for Educationally Related Support Services or other regular education support?** | |
| **• What determines a recommendation for resource room vs. special class?** | |
| **• How does the CSE determine the frequency and duration of related services provided?** | |
| **• What does the CSE consider to determine the amount of instructional time in special class?** | |
| **• How does the CSE determine which regular and occupational education classes the student will attend?** | |
| **• What criteria has the district established as a basis for determining the severity of a handicapping condition so that 12-month program decisions can be made?** | |

**Strategy 2...** Become familiar with educational programs and placements for students in the district.

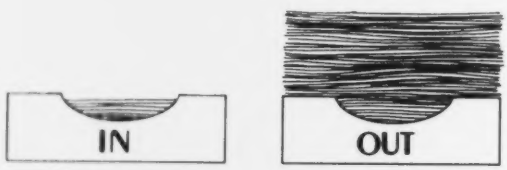
- Visit and/or obtain information on in-district and out-of-district programs.
- Ask other agency representatives to describe the services and programs they provide.
- Attend in-service sessions related to agency and community services.

**Strategy 3...** Be familiar with district guidelines for grouping students by similarity of needs.

| Question | Comments |
|---|---|
| • Who is responsible for establishing instructional groups in a special class? | |
| • What information can the CSE provide to assist in the process? | |
| • Which factors match a student's individual needs with similar needs of other children? | |

Examples:

1. age
2. achievement levels
3. annual goals
4. class size
5. dominant language
6. learning characteristics
7. management needs
8. specialized equipment
9. special alerts
10. testing modifications



# The CSE and Sections 200.7 — 200.15

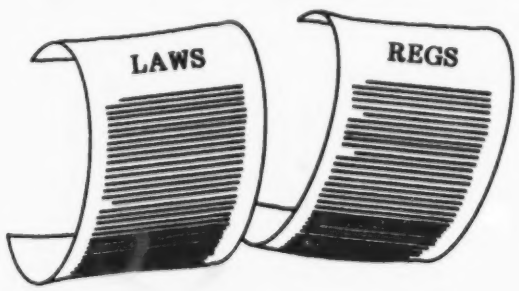
**Legal Reference: Sections 200.7, 200.8, 200.9, 200.10, 200.11, 200.12, 200.13, 200.14 and 200.15 of Commissioner's Regulations; Articles 81, 85, 87,88 and 89 of Education Law**

Nine sections of Part 200 of the Regulations of the Commissioner pertain to areas that are further removed from CSE procedures involving the identification and evaluation of children with handicapping conditions. CSE members should be generally familiar with the content, nonetheless, to assist them when such sections apply.

## Section 200.7

Program standards for students with handicapping conditions described in Section 200.7 pertain to private, State-operated and State-supported schools. Students who have severely handicapping conditions may require placement in such programs because of intensive management needs. Program approval, denial of program approval and operational provisions for these settings are outlined. An application to the Commissioner of Education must be made before the student is placed in such settings. For blind, deaf, severely physically handicapped, and severely emotionally disturbed students, enrollment in certain State-operated and State-supported schools must be initiated by application. Applications to approved private schools are initiated by school districts when less restrictive settings are determined inappropriate for the student.

A recent revision of Section 200.7 regarding the appointment and termination of appointment of students to State-operated and State-supported schools assures the appropriate involvement of Committees on Special Education. The amended regulations modify the application process by authorizing initiation of the application by the CSE of the school district responsible for the child's educational program recommendations as well as by parents. The appointment process




has also been amended to ensure that the district CSE review the evaluative information and recommendations drafted by a State-supported school. The CSE must also make a recommendation regarding the appropriateness of placement in that school. In addition, termination of placement in a State-supported school now requires prior CSE review.

If a school district places a student in an approved private school, the district CSE is still responsible for developing Phase I, reviewing the IEP, and arranging for triennial evaluation. Instructional programs and requirements in these facilities are similar to those in public schools. This means that private schools and district CSEs should maintain contact and share the appropriate information to properly monitor student progress toward annual goals.

## Section 200.8

Family Court preschool placements are regulated through an approval and reimbursement process involving both State and county. This process is established for children with handicapping conditions who are under age 5 and require assistance prior to school.

Section 200.8 describes the approval of Family Court orders for students with handicapping conditions and reimbursement through vouchers allowing for State aid. The CSE does not systematically provide recommendations in this process because parents must petition the Court directly for services. CSE members do, however, receive referrals for preschool children approaching school age from agencies providing instruction as the result of Family Court orders. Parents petition Family Court to allow tuition reimbursement for these areas which are not mandated under State law.

## Section 200.9

Procedures for placing students in private schools and Special Act school districts are regulated in Article 89 of Education Law. However, the reimbursement, accounting and auditing procedures for this process are described in Section 200.9. When a local district determines that a private school is appropriate for a student, it must apply to the Commissioner of Education for approval of such a placement. If the student is so placed, the district CSE remains involved because the district is still responsible for the student's education. School districts are charged for services based on prescribed private school tuition rates approved by the Commissioner. Section 200.9 describes in detail procedures governing private schools and Special Act school districts receiving public funds to educate children with handicapping conditions.

## Section 200.10

This section outlines rules governing reimbursement for certain State- operated and State-supported schools. The procedures apply to State schools providing services to deaf infants, and to blind, deaf and children with severely handicapping conditions. The sections of law that govern this section of regulation are Articles 85, 87 and 88 of the Education Law, Chapter 1060 of the Laws of 1974 and Section 4204-a of the Education Law.

## Section 200.11

Children with handicapping conditions residing in Office of Mental Health (OMH) facilities, Office of Mental Retardation and Developmental Disabilities (OMRDD) facilities and child care institutions are entitled to a free appropriate education which meets their special needs. Section 200.11 includes further responsibilities related to Committees on Special Education in these facilities and cooperation with school district CSEs. This section of regulations ensures that the full continuum of services and placements is available to students in these residential facilities.

## Section 200.12

This section allows State aid for transportation of students with handicapping conditions to and from private residential schools. School districts are entitled to receive State assistance to ease the cost of student travel between home and school at the beginning and conclusion of the school year and for additional trips during each school year.

## Section 200.13

Section 200.13 restates requirements in Section 200.6 to emphasize their importance for autistic students. This section also includes a requirement for minimum instruction to directly address the language needs of autistic children in conjunction with other recommended services.
Autistic students must be provided:

- 30 minutes of daily instruction in language in groups not to exceed two;

or

- 60 minutes of daily instruction in language in groups not to exceed six.

This section mandates that the IEP of an autistic student in regular class or in classes of students with other handicapping conditions indicate provisions for transitional support services. These services must be provided to the class teachers by a special education teacher experienced in working with autistic children. The opportunity for parent education and counseling must also be offered in accordance with this section to ensure appropriate follow-up at home.

## Section 200.14

This section describes the coordinated delivery of educational and mental health services and establishes special education program standards for pupils with handicapping conditions who are enrolled in day treatment programs certified by the Office of Mental Health. CSEs are responsible for evaluating and making educational recommendations for students from their districts who are enrolled in such day treatment programs.

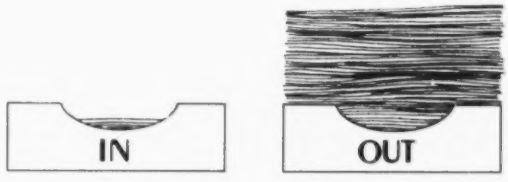
## Section 200.15

Section 200.15 identifies the responsibilities of residential schools in relation to child abuse prevention. Children in residential care include those placed residentially in Special Act School Districts, approved private schools and State- operated and State-supported schools. There are no direct responsibilities for CSEs in relation to Section 200.15. However, there are two instances in which CSE chairpersons are to be notified regarding child abuse incidents. When an investigation by the Statewide Central Register of Child Abuse and Maltreatment involves a CSE-placed child in an approved private school, the investigator will notify the CSE chairperson. When an investigation determines that some credible evidence of the alleged abuse or maltreatment exists, the CSE chairperson will receive a copy of the investigation report. CSEs should contact the Office for Education of Children with Handicapping Conditions or the appropriate OECHC Regional Associate for assistance and clarification when notified of a child abuse investigation.

## CSE MANAGEMENT STRATEGIES RE: SECTION 200.7 — 200.15

### For Public School CSE

- **Be familiar with the appointment and termination of placement procedures at State-operated and State-supported schools.**
- **Be familiar with the list of State-approved private schools.**
- **Request information from selected private schools as well as certified day treatment programs to maintain current files on types of instructional services, programs and specialized approaches.**



- Assign responsibility for transferring student information to the appropriate personnel in cases of placements into private schools or certified day treatment programs.
- Stay in contact with parents and students when arranging for approved private school placement or placement into certified day treatment programs to minimize misunderstandings or lack of readiness.
- Invite agency representatives to participate in CSE meetings related to placements in their facilities.
- Provide prompt responses to Family Court requests for evaluative information and to inquiries from other agency CSEs regarding the appropriateness of a recommendation for placement in your district.
- Ask for assistance from Regional Associates of the State Education Department to answer specific procedural questions on out-of-district placements and child abuse investigation in residential schools.

## For Agency CSEs/Multidisciplinary Teams——

Maintain contact with the CSE in the child's home school district to establish:

- opportunities for attendance at the planning conference;
- exchange of IEP information;
- opportunity for placements in appropriate district programs;
- transportation arrangements;
- transition to less restrictive environments as needed; and
- that the student is receiving every opportunity to work towards minimum competency and attend approved courses of study.

Residential facilities who are subject to the provisions of Part 116 of the Regulations of the Commissioner of Education must appoint a professional educator as a liaison with home school districts.

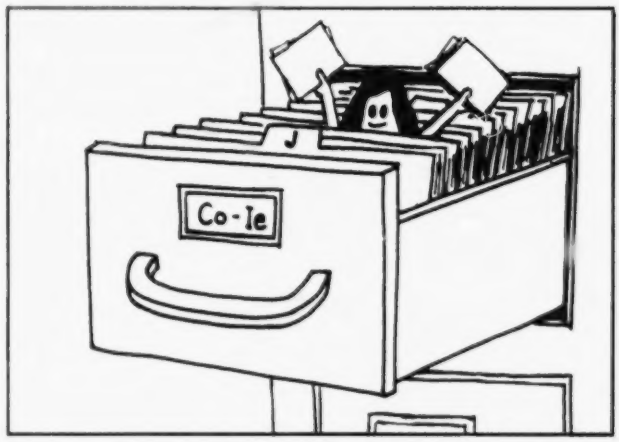
Maintain contact with the student's parent or legal guardian to increase the opportunity for:

- parent involvement in planning the program;
- consistency between home and school approaches;
- student adjustment to a specialized setting; and
- understanding of purpose among those involved with the student at home, in- district and out-of-district.

## For Parental Applications——————

The CSE chairperson and/or the parent representative on the Committee can be extremely helpful to parents petitioning for preschool services for their child. The CSE representative may:

- refer parents to Early Childhood Direction Centers for information on area preschool services;
- consult with parents in need of information on educational programs and early intervention;
- explain the petition process; and
- contact preschool agencies in the area to project the need for services as preschool students reach the age of 5.



# The CSE and Other Considerations

**Legal Reference: Regulations of the Commmissioner of Education, Sections 100.5, 100.9, 101.1, 117.2 and 200.4; and Education Law, Article 65, Sections 3202 and 3214**

There are certain topics such as high school requirements, aging out and vocational assessment which have been mentioned briefly in this manual. These and additional areas may pose a variety of questions for CSE members. The following narrative section summarizes key topics. However, in order to respond to questions that arise during CSE activities, more information should be obtained.

## Screening

Students who are new entrants, as well as those who fall below certain State reference points, must be screened by school districts to allow for early intervention. Screening is a preliminary method of distinguishing, from the general population, those pupils who may be gifted, or who may possibly have a handicapping condition or who are students in need of further evaluation. It should not be viewed as an in-depth method of assessing development. Screening is a quick method of assessing a student's overall performance and should indicate whether or not an in-depth evaluation is necessary. Based on the results of the screening, students who need further evaluation should be referred to appropriate school and medical personnel.

Screening programs must be designed to obtain preliminary information regarding a child's development in the following areas:

- Physical development;
- Cognitive development;
- Receptive and expressive language development;
- Articulation skills; and
- Motor development.

School districts are responsible for ensuring that:

- All new entrants to the New York State education system are screened.
- All students are screened who score 15 or below on Form R of the reading test for New York State elementary schools or who score 21 or below on Form F of the mathematics test for New York State elementary schools.
- All students are screened who obtain a score of 33 or below on the Regents Preliminary Competency Test in Reading (Form C) or 49 or below on any form of the New York State Preliminary Competency Test in writing.
- A written plan is developed which describes screening procedures; the plan should include procedures for evaluating students with limited English proficiency.

Students entering the New York State school system for the first time or reentering the State school system with no available records are considered to be new entrants and must be screened to determine possible giftedness or possible handicapping conditions. In addition, the school principal determines each transfer student's need for remedial instruction by administering a State-developed or State-approved examination or by reviewing appropriate test results in the student's transcript, where available. Screening to determine the need for remediation applies to students entering grades 4, 5, 7 or 8 for reading and mathematics and to students entering grades 6, 7 and 8 for writing.

Students who are screened for remediation and are determined to be in need, must be provided a remedial program no later than the beginning of the semester following screening. The principal must notify the parent in writing of the test results and the plan for remedial instruction.

Screening to determine a possible handicapping condition is conducted for transfer students at all levels of entry. Student records and information from previous schools are reviewed in order to determine if screening has already been conducted. More information on screening is contained in *Screening in New York State*, a State publication available through the Office for Education of Children with Handicapping Conditions.

CSE awareness of screening procedures increases the ability for cooperation in cases of students who are suspected of having an educationally handicapping condition. Students referred to the CSE as the result of screening, are given a comprehensive evaluation, provided the parents consent.

## Diploma Requirements

All students must meet minimum State requirements in order to receive a high school diploma. They must pass Regents Competency tests and successfully complete approved courses of study. Preparation for such achievement begins in elementary school.

CSE members should be familiar with the accessibility of regular education curriculum and appropriate opportunities in this area for students with handicapping conditions. At the secondary level, students with handicapping conditions may attend approved instruction for credit in regular or special education classes. The type of program is indicated on the IEP. In addition, students with handicapping conditions may be provided alternative testing techniques. These techniques must also be indicated on the IEP and implemented consistently to allow students to demonstrate acquired skills and knowledge on statewide and classroom tests. The provision of appropriate al-

ternative testing techniques ensures that the manner of testing does not limit a student's demonstration of skill or knowledge.

Students with handicapping conditions who do not or can not achieve diploma requirements may be eligible for other types of recognition. Students who meet the criteria of section 200.1(cc)4 are eligible for a certificate at or over age 16. Other students with handicapping conditions are eligible for a certificate after completing 13 years of school excluding kindergarten. The awarding of a certificate does not preclude students from receiving free public instruction until receipt of a diploma or age 21, whichever is earlier. A written assurance must accompany each certificate which informs parents and student of the availability of such free instruction.

A student with a handicapping condition may also receive a high school IEP diploma during the school year in which his or her twenty-first birthday occurs. Awarding of this diploma is based on the successful completion of the current IEP. If the IEP diploma is given before age 21, it must be accompanied by an assurance that free public instruction is still available until the student has earned a local or Regents diploma or has turned 21.

## Assessment of Vocational Skills

Individual evaluations conducted by the CSE must include, where appropriate, an assessment of vocational skills. If students are being considered for an occupational sequence, the provision of a vocational assessment should be part of the CSE determination. The assessment of vocational skills may be conducted by the district or through contract with another school district, BOCES or agency.

A vocational assessment contributes to making a recommendation for appropriate involvement of students with handicapping conditions in occupational education. The assessment of vocational skills helps to determine the level of interest, skill and potential in occupational areas. Students who have educationally handicapping conditions have strengths and skills which, when combined with appropriate special and regular education, give them equal opportunity for continued education or gainful employment. Committees on Special Education should consider which regular, special and occupational programs most appropriately prepare students for roles beyond high school.

## Transportation

A part of the Committee on Special Education recommendation to the Board or trustees may include special transportation. Specifics of recommended specialized transportation developed in cooperation with the parents, are reflected in the IEP prior to implementation so that parents may confirm that the transportation is appropriate to the needs of their children. The CSE considers the following to determine the transportation service most suited to the student's needs:

- endurance capacity for transit time;
- need for adaptive devices and/or specific assistance including the use of a wheelchair lift; or
- the need to physically assist a student on or off the transporting vehicle.

Individual assistance must be provided for students who are unable to independently move themselves from the transporting vehicle to the program site. Persons appointed for this purpose may be aides, monitors or bus driver assistants. It is suggested that transportation routing be limited to one hour.

By mutual agreement with the Committee on Special Education, parents may transport their children with handicapping conditions without needing to meet the standards established by the Regulations of the Commissioner of Education related to safety aspects of school bus driver employment and bus operation.

## Aging out

Section 200.4 includes procedures that Committees on Special Education must follow which benefit students with severely handicapping conditions at the secondary level. In order to avoid potential service gaps for students with severely handicapping conditions in residential programs or in full-time special class programs, the CSE must notify parents or students, where appropriate, that free educational services are no longer available after age 21. The CSE must also request permission to release records to State agencies that might have appropriate services for the student upon completion of school. These procedures have been added to increase interagency cooperation to appropriately plan for adult services.

The sections of regulations related to aging out can be summarized as follows:

### 200.4(h)

- Out-of-state placement.
- Notice to parents when student is 18.
- Obtain consent to release information.
- Compile student data.
- CSE sends information to the State Education Department.
- The State Education Department provides information to Council on Children & Families.
- CSE sends annual report to the State Education Department

### 200.4(i)

- In-state residential placement.
- Notice to parents when student is 18.
- Obtain sent to release information.
- Compile student data.

- CSE sends information to State Education Department and to the appropriate agency or to Council on Children & Families, if needed.
- CSE sends an annual report to the State Education Department.
- The State Education Department sends a report to the Council.

### 200.4(j)

- Full-time (100%) nonresidential placement.
- Notice upon annual review of students with severely handicapping conditions and students with intensive management needs at age 15.
- Obtain consent to release information.
- CSE sends information to the State Education Department and to the appropriate agency or to Council on Children & Families, if needed.
- CSE sends an annual report to the State Education Department.
- The State Education Department sends a report to the Council.

Many of the procedures in this area may be clarified by contacting a Regional Associate from the State Education Department. In addition, CSEs may refer to *Aging Out: The School District's Role in the Transition from School to Adult Services*

## Suspension

A student's right to attend school may be suspended if it is determined that the student is insubordinate or disorderly or that the student's presence at school would be dangerous for that student or for others. Although a student with a handicapping condition is not immune from disciplinary measures, school authorities must establish that the student's misconduct is not a manifestation of the handicapping condition. Disciplinary measures which constitute a change of placement require a CSE recommendation and approval by parents and the Board of Education.

A school principal, if authorized by the BOE, may suspend a student for up to five days, but must, on request, give the student and person in parental relation the opportunity for an informal conference. A student may not be suspended by a Board of Education or superintendent of schools for more than five days without being afforded the right to a hearing. A suspension of five or more days should also be cause for the CSE to consider whether the student's needs are being met in the current special education program.

## Placement into Child Care Institutions

A Committee on Special Education may receive a request for student evaluative information and program recommendations from a Family Court judge, a probation department, a social services district, the Division for Youth, or a pre- admission certification committee relative to the Office of Mental Health. These requests may be made pursuant to the placement of certain children, by such agents, into child care institutions, with consideration that the children in question may have educationally handicapping conditions. In these instances, CSEs are responsible for obtaining parental consent for evaluation, for conducting assessments, as described on pages 00 of this book, and for developing written recommendations regarding the classification of handicapping conditions and other Phase I IEP items.

## Drop-out Procedures

Districts may not drop a student from enrollment unless the student is over compulsory school age and:

- he or she has been absent 20 consecutive school days; and
- the parent and the student are notified, in writing by the principal or superintendent, of an informal conference:
  - If the student and/or parent attend the conference, the principal or superintendent determines the reasons for student absence and whether a change in program would encourage reentry or resumed study; the student and parent are informed orally and in writing that the student may re- enroll at anytime to obtain a diploma or to attend until age 21, whichever occurs first; or
  - If the student and the parent fail to attend the informal conference, the student may be dropped from enrollment provided that the student and parent are notified in writing of the right to re-enroll at anytime to obtain a diploma or to attend until age 21, whichever occurs first.

The CSE may be involved in recommending program changes for students with handicapping conditions who have been absent for 20 consecutive school days. This may occur if the student returns to school as the result of the informal conference.

## Exemption from School Attendance

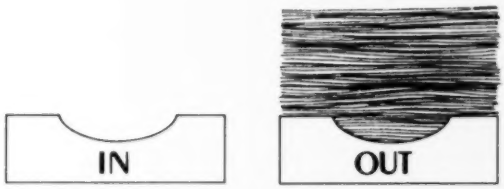
Students with handicapping conditions who are between the ages of 5 and 21 are entitled to a free appropriate public education. The Regulations of the Commissioner, Section 101.1-101.5, establish procedures for rare instances when an exemption from attendance is necessary for students with profoundly handicapping conditions. The procedures include requirements for examination by a physician, a CSE review and recommendation to the chief school officer. Approval for exemption must be requested from the State Education Department.

## CSE MANAGEMENT STRATEGIES RE: OTHER CONSIDERATIONS

### Screening

Referrals to the CSE may result from screening. The process of referral, evaluation and recommendation is assisted if those responsible for screening are contacted by the CSE to:

- help coordinate information gathering;




- identify other agency/district involvement;
- ease student movement from preschool to school programs;
- avoid gaps in appropriate service for new entrants and transfers; and
- maintain any previous parent involvement.

### Diploma Requirements

CSE members must have an understanding of secondary school programs and preparation for high school in order to address student needs in the following areas:

- performance on elementary school PEP tests;
- remediation in reading, writing and mathematics;
- performance on preliminary competency tests;
- performance on Regents Competency Tests;
- responsiveness to standard and/or specialized curriculum;
- successful completion of approved courses;
- establishing course sequences;
- the appropriateness of second language instruction;
- additional semesters to complete high school;
- alternative testing techniques;
- alternative high school equivalency program;
- awarding of a certificate, where appropriate; and
- awarding of high school individualized education program diplomas.

### Assessment of Vocational Skills

The CSE should be aware of types of vocational assessments and programs and employment trends to anticipate needed changes in school instruction. Chairpersons should be aware of the following:

- special, regular and occupational education coordination;
- community agencies/businesses which contribute to job placement or work- study opportunities;
- special and regular occupational courses;
- vocational assessment devices;
- the need to have occupational educators attend CSE meetings and to be provided with information on students with whom they work;
- vocational evaluators in-district or in other agencies;
- guidelines for determining when vocational assessment is an appropriate component in an individual evaluation; and
- postsecondary programs which offer special assistance or accommodations for individuals with educationally handicapping conditions.

### Transportation

The IEP should indicate specialized transportation arrangements. The CSE can facilitate the process by:

- working closely with the transportation director for purposes of arranging bus driver training;
- discussing the recommended arrangements with parents and administrators of the anticipated program;
- reviewing all pertinent medical information gathered through evaluation;
- examining student endurance and capacity for travel in previous transporting situations; and
- assuring that bus drivers are provided with information on special alerts or precautionary measures for individual students with management needs in this area.

### Aging out

Procedures to help students who are aging out of secondary education programs are necessary to increase opportunities for the students' continued progress. Establishing an organized approach for managing aging out procedures contributes to overall State efforts for improving this transition.

- Assign responsibility for this area to one or more persons involved in CSE activities. Because aging out involves

various external contacts, the prior organization of district data and procedures is essential.

- Read subdivisions within Section 200.4 and become thoroughly aware of the regulations.
- Develop a format and sequence for notifying parents, students and agencies at the times specified in regulations.
- Ensure timely submission of required reports and forms to the State Education Department.

## Suspension

The CSE should be prepared to review the IEP of students who are removed from school temporarily because they endanger themselves or others or are suspected of misconduct. The CSE may have to determine if the misconduct is a result of the handicapping condition. In these instances, the appropriateness of the IEP is discussed to ascertain whether changes are necessary.

- The CSE should recommend an instructional program which includes appropriate support in order to eliminate or decrease the inappropriate behavior.
- The CSE should establish when its review occurs in cases of long-term suspension.
- The CSE must establish procedures for short-term suspension.
- Procedures established should be closely aligned with the school district's policy on conduct and discipline.
- CSE members should be familiar with the district's policy on conduct and discipline.

## Drop-out Procedures

CSE members are not mandated by law or regulation to be directly involved in arranging for conferences in cases of students who are 16 or over and absent for 20 consecutive school days. However, a CSE representative(s) may attend such conferences to help identify strategies which will encourage or facilitate the pupil's continued attendance upon instruction. Moreover, the CSE, in conducting annual reviews, should be aware of attendance records of students approaching age 16. All attempts should be made to:

- be aware of and recommend programs and services which may improve attendance and increase motivation (i.e., High School Equivalency Program, Alternative High School);
- carefully plan for student goals including those that reinforce student areas of strength;
- discuss with parent or guardian appropriate measures for preventing students from dropping out of school; and
- track students who have dropped out of school.

# Appendix A

# Appeals to the Commissioner

If there is dissatisfaction with the decision of the impartial hearing officer, the school district or parent may proceed with an appeal to the Commissioner of Education. This appeal is a request for review of the impartial hearing officer's decision and is not another hearing. The decision of the Commissioner will be based on the testimony and exhibits given to the hearing officer at the impartial hearing. Oral arguments before the Commissioner are not permitted, only submission of papers. It is very important that the procedures required for appeal are followed exactly. Keep the following points in mind:

- The Petition is a statement of the petitioner's reasons for disagreeing with the hearing officer's decision and a request that the Commissioner set aside such decision.
- The Petitioner is the person or party who initiates the appeal.
- The Respondent is the party who must answer the issues in the petition.
- Parents or legal guardians initiate the petition on behalf of the child.

The procedures and timelines described below must be followed carefully. The procedures are described with the assumption that the school district is the petitioner for purposes of this manual. (Forms needed for steps 1-10 follow the narrative.)

## 1. How to Proceed with the Appeal

A Notice of Intention to Seek Review (Form A) must be served upon the parent or legal guardian not less than 10 calendar days before the petition is served and within 30 calendar days after receipt of the decision of the hearing officer.

A copy of the notice must be hand-delivered to the parent or legal guardian. The original copy of the Notice of Intention and an affidavit of service of a copy of the notice to the parent should be mailed to the Office of Counsel of the Education Department in Albany within five days after the delivery of the copy to the parent.

## 2. Preparing the Appeal

The petitioner must prepare the appeal. The appeal consists of the following items:

*Notice with Petition* (Form B). The petition must be filed within 40 calendar days after the date the hearing officer's decision was received. The petition and all others submitted to the Commissioner, must be typewritten and double-spaced on white paper, 8 1/2 by 11 inches in size. Capitalize the entire names of the parties (child, parent and Board of Education) and the first letters of "Petitioner" and "Respondent." The petition should be addressed to the Commissioner of Education and must have the petitioner's mailing address and telephone number at the end of it.

*Written Argument.* The written argument includes the reasons and justification of the disagreement with the impartial hearing officer. The petition should summarize the decision and focus on the issues raised in the appeal. Each paragraph should be numbered and include only one statement. Paragraphs should be supported by references to transcript pages, exhibits, or quoted parts of the record. All references to the record should be identified by the transcript page number or exhibit number and page. A separate section of the petition or a separate memorandum of law should include pertinent statutes, regulations or decisions to support the position.

*Affidavit of Verification* (Form C). This form swears the petitioner to the truth of the statements in the petition.

## 3. Serving the Petition

The petitioner must have the petition hand-delivered to the parent or legal guardian by someone over the age of 18 but not a party to the appeal.

Two photocopies of all the papers should be made. One photocopy must be delivered to the parent. The original and an affidavit of service of a copy of the petition upon the parent is filed (see Step 5) and the district keeps the other photocopy.

## 4. Notarizing the Affidavit of Personal Service

The Affidavit of Personal Service (Form D) needs to be signed and notarized. The affidavit should be inserted after the original petition, following the verification (Form C).

## 5. Filing the Petition with the Commissioner of Education

The petitioner must file the following items with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234. *All papers sent must be original.*

- the complete appeal
  - notice with petition (Form B)
  - the petition and the Affidavit of Verification (Form C)
- a copy of the Notice of Intent to Seek Review (Form A)
- Affidavit of Personal Service (Form D)

## 6. Preparing an Answer to Petition

The respondent must prepare an answer to the petition. The respondent has 10 days after receiving the petition to file an answer to the petitioner's appeal. A written argument, memorandum of law and additional documentary evidence should be prepared by the respondent.

## 7. Serving the Answer to Petition

The respondent must serve the answer on the petitioner. The respondent must either hand-deliver or mail-serve the answer on the petitioner (Form E). If the answer is hand-delivered, the original and one photocopy is taken to the petitioner. The papers should be stamped as to time and date received. A photocopy of the answer is left with the petitioner. After doing this, the person who hand-delivered the answer should prepare and have notarized the Affidavit of Verification. The affidavit inserted at the back of the answer and the original of the answering papers, with the Affidavit of Verification, should be sent to the Office of Counsel in Albany.

If the answer is served by mail, photocopies of the papers are sent to the petitioner. Whoever mails the papers should fill out an Affidavit of Service by Mail (Form E), sign and have the affidavit notarized. The original of the Affidavit of Service by Mail is sent to the Office of Counsel. The respondent must file the answer with the State Education Department within two calendar days of the date that the answer was served on the petitioner.

## 8. Responding to the Answer

Petitioner may respond to the answer by the respondent. The response must be served on the respondent and filed with the State Education Department within three calendar days after the service of the answer.

## 9. Filing with Office of Counsel

The Board of Education has the responsibility to file with the Office of Counsel a copy of the written transcript of the record before the hearing officer and the decision.

## 10. Decision of the Commissioner

The Commissioner of Education must make a decision upon appeal within 30 calendar days of the filing of appeal papers.

FORM A

NOTICE OF INTENTION TO SEEK REVIEW

IN THE MATTER OF THE APPEAL OF, :

( ) :

Petitioners, :

-against-

( ) :

Respondent. :

NOTICE:

The undersigned intends to seek review of the determination of the hearing officer concerning the identification, evaluation or placement of ( child named in action ). Upon receipt of this notice, you are required to have prepared a written transcript of the proceedings before the hearing officer in this matter. A copy of the transcript and of the decision of the hearing officer must be filed with the answer to the petition for review to be filed by the undersigned with the Commissioner of Education.

Dated:

signature
(party who has initiated the appeal)

FORM B

NOTICE WITH PETITION

IN THE MATTER OF THE APPEAL OF, :

( ) :

Petitioners, :

-against-

( ) :

Respondent. :

NOTICE:

You are hereby required to appear in this review and to answer the allegations contained in this petition. Your answers must conform with the provisions of the regulations of the Commissioner of Education relating to reviews of this nature, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

If an answer is not served and filed in accordance with the provisions of such regulations, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such regulations require that an answer to the petition must be served upon the petitioner, or if petitioner is represented by counsel, upon such counsel, within ten days after the service of the petition for review, and that a copy of such answer must, within two days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

Dated:

signature
(party who has initiated the appeal)

FORM C

AFFIDAVIT OF
VERIFICATION

STATE OF NEW YORK

ss.

COUNTY OF

(party making petition), being duly sworn, deposes and says that he is (relationship to child) in this proceeding; that he has read the annexed (petition/answer) and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

(party making petition)
(print name below signature)

Subscribed and sworn to before me
this (date) day of (month) 19(year).

(Signature and title of officer)
Notary Public-Commissioner of Deeds

FORM D

AFFIDAVIT OF PERSONAL SERVICE

DEPARTMENT OF EDUCATION
STATE OF NEW YORK
COMMISSIONER OF EDUCATION

IN THE MATTER OF THE APPEAL OF, :

( ) :

Petitioners, :

-against-

( ) :

Respondent. :

STATE OF NEW YORK )
) SS.
COUNTY OF (your county) )

(name of deliverer) being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the (date) day of (month), 19__, at No. _____ Street, in the town of _____, county of _____, State of New York, he/she served the annexed (notice, petition, and memorandum in support of petition) on (parent's name) by delivering to and leaving with said (receiver of papers) at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said (receiver of paper), who is (position of receiver) in said district.

(name of deliverer)
(Signature)

Subscribed and sworn to before me
this _____ day of _____, 19____.

Notary Public



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FORM E

AFFIDAVIT OF
SERVICE BY MAIL

STATE OF NEW YORK

ss.

COUNTY OF (county of hearing)

(name of deliverer), being duly sworn, deposes and says that he is over the age of eighteen years and is not a party in this proceeding; that on the (date) day of (month), 19(year), deponent served the within (notice, petition, and memorandum in support of petition) upon (respondent) in this action, at (address of respondent), the addresses designated by (respondent) for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid properly addressed wrapper, in _____ a post office _____ official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

(name of deliverer)
(Signature)

Subscribed and sworn to before me
this _____ day of _____ 19____

(Signature and title of officer)

**This form is used only when answering the petition and serving by mail and is not required of the petitioner when filing an appeal.**

# Appendix B

## List of Frequently Used Acronyms

| | |
|---|---|
| **ADL** | Activities for Daily Living |
| **BOCES** | Board of Cooperative Educational Services |
| **BOE** | Board of Education |
| **CSE** | Committee on Special Education |
| **CP** | Cerebral Palsy |
| **DSS** | Department of Social Services |
| **ECDC** | Early Childhood Direction Centers |
| **ED** | Emotionally Disturbed |
| **ERSS** | Educationally Related Support Services |
| **FAPE** | Free Appropriate Public Education |
| **FERPA** | Family Educational Rights and Privacy Act of 1974 ("Buckley Amendment" on Confidentiality) |
| **504** | Rehabilitation Act of 1973 (Public Law 93-112, Section 504) |
| **IEP** | Individualized Education Program |
| **IHO** | Impartial Hearing Officer |
| **IQ** | Intelligence Quotient |
| **JTPA** | Job Training Partnership Act |
| **LD** | Learning Disabled |
| **LEA** | Local Education Agency |
| **LRE** | Least Restrictive Environment |
| **MR** | Mentally Retarded |
| **OECHC** | Office for Education of Children with Handicapping Conditions (State Education Department) |
| **OMH** | Office of Mental Health |
| **OMRDD** | Office of Mental Retardation and Developmental Disabilities |
| **OT** | Occupational Therapist/Occupational Therapy |
| **OVR** | Office of Vocational Rehabilitation (State Education Department) |
| **P.L. 94-142** | The Education of All Handicapped Children Act |
| **P.L. 98-199** | 1983 Revision and Extension of the above |
| **P.L. 99-457** | The Education of the Handicapped Amendments of 1986 |
| **P.L. 99-372** | The Handicapped Children's Protection Act |
| **PT** | Physical Therapist/Physical Therapy |
| **RT** | Recreational Therapist |
| **RTF** | Residential Treatment Facility |

| | |
|---|---|
| **SED** | State Education Department |
| **SETRC** | Special Education Training and Resource Centers |
| **SSI** | Supplemental Security Income |

# Appendix C

## Directory of Special Education Training and Resource Centers in New York State (SETRC)

**Albany-Schoharie-Schenectady BOCES SETRC**
Maywood School
1979 Central Avenue
Albany, New York 12205
(518) 456-9069

**Broome-Delaware-Tioga BOCES SETRC**
421 Upper Glenwood Road
Binghamton, New York 13905
(607) 729-9301 Ext. 362

**Buffalo City SETRC**
School - 75
99 Monroe Street
Buffalo, New York 14206
(716) 856-5595

**Cattaraugus-Allegany-Erie-Wyoming BOCES SETRC**
Windfall Road
Box 424-B
Olean, New York 14760
(716) 372-8293

**Cayuga County BOCES SETRC**
234 South Street Road
Auburn, New York 13021
(315) 253-0361 Ext. 146

**Chautauqua County BOCES SETRC**
9520 Fredonia Stockton Road
Fredonia, New York 14063
(716) 672-4371 Ext. 278

**Clinton-Essex-Warren-Washington BOCES SETRC**
Box 455
Plattsburgh, New York 12901
(518) 561-0100

**Delaware-Chenango SETRC**
S.U.N.Y. At Binghamton
Division of Professional Education
Vestal Parkway
Binghamton, New York 13901
(607) 777-6681

**Dutchess BOCES SETRC**
Poughkeepsie Middle School
55 College Avenue
Poughkeepsie, New York 12601
(914) 471-0983

**Erie #1 BOCES SETRC**
2 Pleasant Avenue West
Lancaster, NY 14086
(716) 686-2019 or 2082

**Erie-Cattaraugus BOCES SETRC**
3340 Baker Road
Orchard Park, NY 14127
(716) 662-0135

**Franklin-Essex-Hamilton BOCES SETRC**
Adirondack Education Center
Bloomingdale Avenue
Saranac Lake, NY 12983
(518) 483-1697

**Genesee-Wyoming BOCES SETRC**
8250 State Street Road
Batavia, New York 14020
(716) 343-1400 Ext. 296

**Hamilton-Fulton-Montgomery BOCES SETRC**
Fulton-Montgomery Community College
Route 67
Room L210
Johnstown, New York 12095
(518) 762-7754

**Herkimer-Fulton-Hamilton-Otsego BOCES SETRC**
Gros Blvd.
Herkimer, New York 13350
(315) 867-2082

**Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC**
North Junior High School
171 East Hoard Street
Watertown, New York 13601
(315) 782-9229

**Livingston-Steuben-Wyoming BOCES SETRC**
Holcomb Building
Geneseo, New York 14454
(716) 243-5470

**Madison-Oneida BOCES SETRC**
Spring Road
Verona, New York 13478
(315) 363-8000

**Monroe #1 BOCES SETRC**
41 O'Connor Road
Fairport, NY 14450
(716) 377-4660 Ext. 580

**Monroe #2-Orleans BOCES SETRC**
3599 Big Ridge Road
Spencerport, New York 14559
(716) 352-2443

**Nassau County BOCES SETRC**
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044 Ext. 270-1-2

**New York City SETRC**
New York City Board of Education
Central Office — Room 431
*High School Office — Room 237M
110 Livingston Street
Brooklyn, NY 11201
(718) 596-5852
*(718) 596-4193

**Region I SETRC**
P.S. 79
55 East 120th Street
New York, NY 10027
(212) 534-6500 Ext. 45

**Region II SETRC**
Junior High School 101
2750 Lafayette Avenue — Rm. 303
Bronx, NY 10465
(212) 892-5527 Ext. 44 or 45

**Region III SETRC**
360 36th Street
Brooklyn, NY 11232
(718) 965-4800

**Region IV SETRC**
P.S. 199
1100 Elm Street
Brooklyn, NY 11230
(718) 645-6566

**Region IV SETRC**
211 Daniel Low Terrace
Staten Island, NY 10301
(718) 448-9600

**Region V SETRC**
P.S. 213
231-02 67th Avenue
Bayside, NY 11364
(718) 428-6602

**Citywide SETRC**
400 1st Avenue
Room 34
New York City, NY 10010

**Oneida-Herkimer-Madison BOCES SETRC**
Box 70-Middle Settlement Road
New Hartford, New York 13413
(315) 768-4614 or 768-4605

**Onondaga-Cortland-Madison BOCES SETRC**
P.O. Box 4754
Syracuse, New York 13211
(315) 433-2645

**Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC**
Finger Lakes Educational Center
3501 County Road 20
Stanley, New York 14561
(716) 526-6410

**Orange-Ulster BOCES SETRC**
Gibson Road
Goshen, New York 10924
(914) 294-5431 Ext. 276

**Orleans-Niagara BOCES SETRC**
East Avenue and Transit Road
Newfane, NY 14108
(716) 778-7753

**Oswego BOCES SETRC**
County Route 64
Mexico, New York 13114
(315) 963-3094

**Otsego-Delaware-Schoharie-Greene BOCES SETRC**
Rexmere Park
Stamford, New York 12167
(607) 652-7531 Ext. 29

**Rensselaer-Columbia-Greene BOCES SETRC**
Green Meadow School
1588 Schuurman Road
Castleton, New York 12033
(518) 477-8771 Ext. 304-6

**Rochester City SETRC**
Central Administrative Offices
131 West Broad Street
Rochester, New York 14608
(716) 325-4560 Ext. 2710

**Rockland BOCES SETRC**
BOCES Media Center
Tappanzee Facility
Route 9-W
Piermont, NY 10968
(914) 365-1450

**St. Lawrence-Lewis BOCES SETRC**
Kingston Middle School
Lawrence Avenue
Potsdam, New York 13676
(315) 265-2646

**Saratoga-Warren BOCES SETRC**
Myers Education Center
Henning Road
Saratoga Springs, New York 12866
(518) 584-3239

**Schuyler-Chemung-Tioga BOCES SETRC**
Broad Street School
Broad Street
Horseheads, New York 14845
(607) 739-3581 Ext. 341

**Steuben-Allegany BOCES SETRC**
Early Instructional Center
R.D. 1 — Box 82
Bath, NY 14810
(607) 776-4181

**Suffolk #2 BOCES SETRC**
School Services Center
Winganhauppauge Road
Islip, NY 11751
(516) 277-7403 or 277-7404

**Sullivan BOCES SETRC**
Ferndale Loomis Road
R.D. 1, Box 522
Liberty, New York 12754
(914) 292-7500

**Syracuse City SETRC**
Teacher Center
907 Butternut Street
Syracuse, New York 13208
(315) 425-4685

**Tompkins-Seneca-Tioga BOCES SETRC**
555 South Warren Road
Ithaca, New York 14850
(607) 257-1551 Ext. 276

**Ulster BOCES SETRC**
175 Route 32 North
New Paltz, New York 12561
(914) 255-1402

**Washington-Warren-Hamilton-Essex BOCES SETRC**
Dix Avenue, Building "I"
Southern Adirondack Education Center
Hudson Falls, New York 12839
(518) 793-7721 Ext. 219

**Westchester-Putnam #1 BOCES SETRC**
Pinesbridge Road, Walden School
Yorktown Heights, New York 10598
(914) 245-1050 245-2700

**Westchester #2 BOCES SETRC**
Instructional Services Department
Concord Road
Ardsley, New York 10502
(914) 693-7576

**Yonkers City SETRC**
Pupil Resource Center
Yonkers High School
150 Rockland Avenue
Yonkers, NY 10710
(914) 963-2944 or 963-0592

**Coordinating Office**
New York State Education Department
Office for Education of Children
with Handicapping Conditions
Division of Program Development
Room 1069 — Education Building Annex
Albany, NY 12234
(518) 474-8917 or 2251

# Appendix D

## Early Childhood Direction Centers

The Early Childhood Direction Centers, coordinated by the New York State Education Department, are resources for parents of children with handicapping conditions from birth to five years of age. They provide information about special education programs and help parents obtain services for their children.

The following list is provided for you to identify the Early Childhood Direction Center in your area.

Early Childhood Direction Center
c/o Cantalician Learning Center
3233 Main Street
Buffalo, NY 14214
(716) 833-3127
1-800-462-7653

Regional Early Childhood
Direction Center
264 Village Landing
Fairport, NY 14450
or
University of Rochester
Strong Memorial Hospital
601 Elmwood Avenue
Rochester, NY 14642
1-800-462-4344 or
(716) 223-6220

Early Childhood Direction Center
Center on Human Policy
Syracuse University
724 Comstock Avenue
Syracuse, NY 13210
1-800-962-5488 or
(315) 423-4444, (315) 423-3851

Early Childhood Direction Center
Broome-Delaware-Tioga BOCES
Adult Learning Center
740 Main Street
Johnson City, NY 13790
(607) 798-8736

Early Childhood Direction Center
Franklin-Essex-Hamilton BOCES
P.O. Box 28
Malone, NY 12953
(518) 483-6523

Early Childhood Direction Center
of the Capital Region
Albany-Schenectady-Schoharie
BOCES
Maywood Elementary School
1979 Central Avenue
Albany, NY 12205
1-800-342-1216 or (518) 456-9071

Early Childhood Direction Center
101 Hurley Avenue
Kingston, NY 12401
(914) 338-6755

Early Childhood Direction Center
St. Agnes Hospital
305 North Street
White Plains, NY 10605
(914) 681-4656

Early Childhood Direction Center
New York Hospital
525 East 68th Street
New York, NY 10021
(212) 472-6535

Early Childhood Direction Center
NICU
Interfaith Medical Center — Site A
1545 Atlantic Avenue
Brooklyn, NY 11213
(718) 604-6412

Early Childhood Direction Center
United Cerebral Palsy of Queens
82-25 164th Street
Jamaica, NY 11432
(718) 380-3000 Ext. 265

Early Childhood Direction Center
Variety Pre-Schooler's Workshop
47 Humphrey Drive
Syosset, NY 11791
(516) 364-8580

Early Childhood Direction Center
Suffolk Child Development Center
Hollywood Drive
Smithtown, NY 11787
(516) 724-2402 or 724-1717

Early Childhood Direction Center
Lincoln Medical and Mental
Health Center
234 East 149th Street, 4A Room 50
Bronx, NY 10451
(212) 579-5778 or 579-5779

**Coordinating Office:**

New York State Education Dept.
Office for Education of Children with
Handicapping Conditions
Division of Program Development
Albany, NY 12234
(518) 474-5804 or 474-8917

# Appendix E

# Information Checklist

**SINGLE COPIES** of the items which are listed on this checklist are available at no cost from the Office for Education of Children with Handicapping Conditions. To receive a copy of any of the items listed below, list the items which you would like to receive, write your name and address and return to:

New York State Education Department
Division of Program Development
Room 1071, Education Building
Albany, New York 12234

## New York State Laws and Regulations

____ 1. **Article 89 of the Education Law** (revised October 1986)

This section of the State Education Law specifies the educational responsibilities of local school districts and the State Education Department to educate children with handicapping conditions. It includes Chapter 853 of the Laws of 1976, Chapter 470 of the Laws of 1977 and subsequent revisions and additions.

____ 2. **Article 81 of the Education Law** (revised October 1986)

The State law governing the education of children residing in child care institutions including those with handicapping conditions as well as those who do not have handicapping conditions.

____ 3. **Section 112 of the Education Law** (revised June 1980)

This section requires the State Education Department to set standards of instruction and personnel qualifications for teachers of children in the residential care of any State department or agency or political subdivision.

____ 4. **Part 116 of the Rules and Regulations of the Commissioner of Education** (revised September 1984)

These regulations establish educational programs and services for children in full-time residential care in homes or facilities operated or supervised by a State department or agency or political subdivision pursuant to Section 112.

____ 5. **Part 117 of the Rules and Regulations of the Commissioner of Education** (as amended August 1984).

Establishes standards for diagnostic screening of new entrants to the schools and those falling below State reference points on certain exams.

____ 6. **Part 200 of the Rules and Regulations of the Commissioner of Education**

The State regulations for the education of children with handicapping conditions, effective February 1986.

## Federal Laws and Regulations

____ 7. **Education of the Handicapped Act**, 20 United States Code Sections 1401-1461 (as amended by P.L. 94-142, P.L. 98-199, P.L. 99-372, and P.L. 99-457).

This Federal law mandates the education of all children with handicapping conditions and requires due process procedures, Individualized Education Programs and other safeguards which protect the educational rights of children with handicapping conditions.

____ 8. **Assistance to States for Education of Handicapped Children**, 34 Code of Federal Regulations Part 300

The August 23, 1977 Federal Regulations which establish procedures to implement P.L. 94.142 at the State and local level, as renumbered and amended.

____ 9. **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. 794 (as amended and renumbered)

Nondiscrimination under Federal grants and programs.

____10. **Nondiscrimination on the Basis of Handicap**, 34 C.F.R. Part 104

Final Regulations on Section 504 of the Rehabilitation Act of 1973, as published in the Federal Register, May 4, 1977.

____11. **Family Educational Rights and Privacy Act of 1974**, United States Code Section 1232g

Also called the Buckley Amendment.

____12. **Privacy Rights of Parents and Students**, 34 Code of Federal Regulations Part 99

Regulations based on the Buckley Amendment.

## Publications

____ 1. ***A Parent's Guide to Special Education: Your Child's Educational Rights in New York State*** (revised 1984)

This manual is written for parents of children who require special education. It explains the financial and educational responsibilities of the State and local educational agencies to these children. Translations: Spanish, French and Chinese.

____ 2. ***A Guidebook for Committees on Special Education in New York State*** (1987)

A manual to assist CSE members in meeting regulatory responsibilities, includes management strategies.

____ 3. ***The Triennial Evaluation of Students with Handicapping Conditions*** (1985)

A manual designed to assist those professionals responsible for conducting triennial evaluations.

____ 4. ***Special Education for Children with Handicapping Conditions Birth to Five*** (1985)

A manual for parents describing certain services and application procedures for preschool-aged children with handicapping conditions, including the Family Court petition process.

____ 5. ***Designing and Implementing a Program for Children with Handicapped Conditions Birth to Five*** (1985)

A manual for professionals providing information on how to establish a preschool educational program for children with handicapping conditions.

____ 6. ***Alternative Testing Techniques for Students with Handicapping Conditions*** (1986)

A manual which provides information on the appropriate use of such techniques during statewide testing programs.

____ 7. ***The Role of a School Board Member in the Education of Children with Handicapping Conditions*** (revised 1982)

A handbook describing the board member's responsibilities for providing quality educational programs for children with handicapping conditions.

____ 8. ***Serving the Speech Impaired Child in New York State*** (1982)

Guidelines for identifying and serving children with speech impairments.

## Brochures and Other Available Materials

____ 1. ***Information and Training on the Education of Students with Handicapping Conditions***

A description of the services available through the Division of Program Development and the New York State Training Network including the addresses and telephone numbers for the Special Education Training and Resource Centers (SETRC).

____ 2. ***New York State Early Childhood Direction Centers***

A listing of the 14 Direction Center addresses and telephone numbers with questions and answers on linking preschool children with handicapping conditions with services.

____ 3. ***Map of OECHC Regional Offices***

This map shows the location of the Regional Offices of the Office for Education of Children with Handicapping Conditions and the areas they serve. Includes addresses and telephone numbers.

____ 4. ***Newsbriefs***

Published during the school year, the Office for Education of Children with Handicapping Conditions newsletter contains information about changes in State and Federal legislation and policy which affects the services provided for pupils who require special education, and reports on activities of the Office.

____ 5. ***Knowing About Special Education***

A pamphlet written in simple terms to inform parents of the rights of their children with handicapping conditions.

____ 6. **Translations of the above pamphlet:**

____ Arabic

____ Chinese

____ French

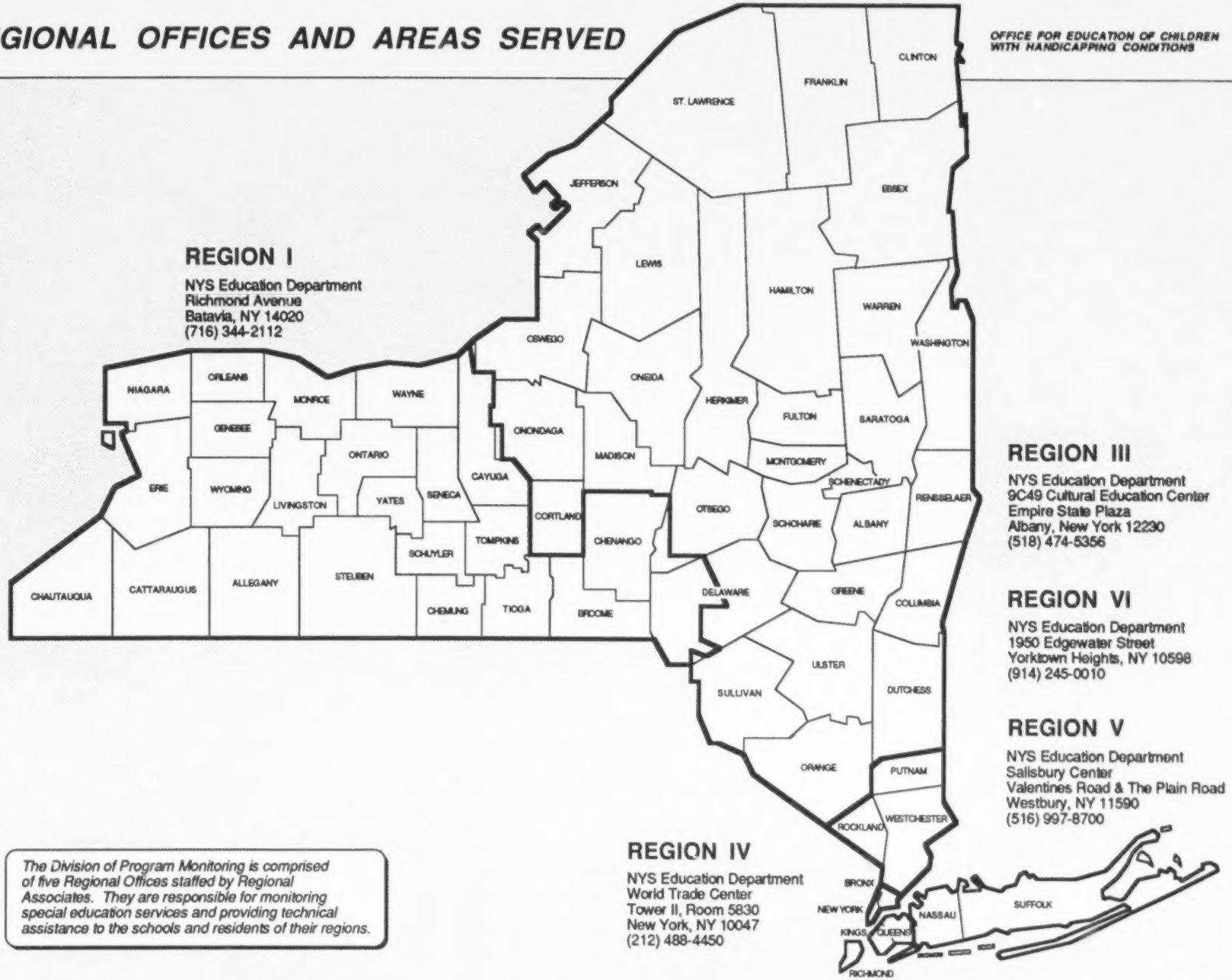
____ Greek

____ Russian

____ Spanish

# REGIONAL OFFICES AND AREAS SERVED

*OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS*




## REGION I

NYS Education Department
Richmond Avenue
Batavia, NY 14020
(716) 344-2112

## REGION III

NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, New York 12230
(518) 474-5356

## REGION VI

NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010

## REGION V

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
(516) 997-8700

## REGION IV

NYS Education Department
World Trade Center
Tower II, Room 5830
New York, NY 10047
(212) 488-4450

*The Division of Program Monitoring is comprised of five Regional Offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.*